Title 4. Utah Agricultural Code

Chapter 1
General Provisions

4-1-101 Title.

This title is known as the "Utah Agricultural Code."

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-102 Construction.

This title shall be liberally construed and applied to promote and carry out its policies and purposes.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-103 Principles of law and equity applicable.

Unless displaced by the particular provisions of this code, the principles of law and equity supplement the provisions of this title.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-104 Procedures -- Adjudicative proceedings.

The Department of Agriculture and Food and the department's divisions shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-105 Code enforcement -- Inspection authorized -- Condemnation or seizure -- Injunctive relief -- Costs awarded -- County or district attorney to represent state -- Criminal actions -- Witness fee.

(1) To enforce a provision in this title, the department may:
  (a) enter, at reasonable times, and inspect a public or private premises where an agricultural product is located; and
  (b) obtain a sample of an agricultural product at no charge to the department, unless otherwise specified in this title.
(2) The department may proceed immediately, if admittance is refused, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry to the premises to inspect or obtain a sample.
(3)
  (a) The department is authorized in a court of competent jurisdiction to:
    (i) seek an order of seizure or condemnation of an agricultural product that violates this title; or
    (ii) upon proper grounds, obtain a temporary restraining order or temporary or permanent injunction to prevent violation of this title.
  (b) The court may not require a bond of the department in an injunctive proceeding brought under this section.
(4)

(a) If the court orders condemnation, the department shall dispose of the agricultural product as the court directs.
(b) The court may not order condemnation without giving the claimant of the agricultural product an opportunity to apply to the court for permission to:
(i) bring the agricultural product into conformance; or
(ii) remove the agricultural product from the state.
(5) If the department prevails in an action authorized by Subsection (3)(a), the court shall award court costs, fees, storage, and other costs to the department.
(6)
(a) Unless otherwise specifically provided by this title, the county attorney of the county in which the product is located or the act is committed shall represent the department in an action commenced under authority of this section.
(b) The attorney general shall represent the department in an action to enforce:
(i) Chapter 3, Utah Dairy Act; or
(ii) Chapter 5, Utah Wholesome Food Act.
(7)
(a) In a criminal action brought by the department for violation of this title, the county attorney or district attorney in the county in which the alleged criminal activity occurs shall represent the state.
(b) Before the department pursues a criminal action, the department shall first give to the person the department intends to have charged:
(i) written notice of the department's intent to file criminal charges; and
(ii) an opportunity to present, personally or through counsel, the person's views with respect to the contemplated action.
(8) A witness subpoenaed by the department for whatever purpose is entitled to:
(a) a witness fee for each day of required attendance at a proceeding initiated by the department; and
(b) mileage in accordance with the fees and mileage allowed a witness appearing in a district court of this state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-106 Suspension or revocation of license or registration -- Judicial review -- Attorney general to represent department.

(1) If the department has reason to believe that a licensee or registrant is or has engaged in conduct that violates this title, the department shall issue and serve a notice of agency action.
(2) The commissioner, or the hearing officer designated by the commissioner, may suspend or revoke a person's license or registration if the commissioner or hearing officer finds by a preponderance of the evidence that the person is engaging, or has engaged, in conduct that violates this title.
(3)
(a) Any person whose registration or license is suspended or revoked under this section may obtain judicial review.
(b) Venue for judicial review of informal adjudicative proceedings is in the district court in the county where the alleged acts giving rise to the suspension or revocation occurred.
(4) The attorney general shall represent the department in any original action or appeal commenced under this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-107 Fees and late charges.

(1) If an annual registration, license, or other fee is imposed under any chapter of this title, it shall be determined by the department pursuant to Subsection 4-2-103(2).
(2) If the renewal of the registration or license is conditioned upon the payment of a renewal fee on or before a specified date, the department shall charge and collect the renewal fee and a late fee on any license or registration that is renewed after the date specified for renewal in the applicable chapter.
(3) The renewal fee and late fee shall be determined by the department pursuant to Subsection 4-2-103(2).

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-108 Severability clause.

If any provision of this title, or the application of any provision to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this title that can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-109 General definitions.

As used in this title:
(1) "Agricultural product" or "product of agriculture" means any product that is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.
(2) "Agriculture" means the science and art of the production of plants and animals useful to man, including the preparation of plants and animals for human use and disposal by marketing or otherwise.
(3) "Commissioner" means the commissioner of agriculture and food.
(4) "Department" means the Department of Agriculture and Food created in Chapter 2, Administration.
(5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
(6) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
(7) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.
(8) "Local food" means an agricultural product or livestock that is:
  (a) produced, processed, and distributed for sale or consumption within the state; and
  (b) sold to an end consumer within the state.
(9) "Organization" means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
(10) "Person" means a natural person or individual, corporation, organization, or other legal entity.

Amended by Chapter 438, 2025 General Session

4-1-110 Growing or storing food for personal or family use.

(1) As used in this section, "family food" means food owned by an individual that is intended for the individual's consumption, or for consumption by members of the individual's immediate family, that:
  (a) is legal for human consumption;
  (b) is lawfully possessed; and
  (c) poses no risk:
    (i) to health;
    (ii) of spreading plant pest infestation; or
    (iii) of spreading agricultural disease.
(2) Family food that is grown by an individual on the individual's property is not subject to local or federal regulation if growth of the family food:
  (a) does not negatively impact the rights of adjoining property owners; and
  (b) complies with the food safety requirements of this title.
(3) A government entity may not confiscate family food described in Subsection (2) or family food that is stored by the owner in the owner's home or dwelling.
(4)
  (a) If any provision of this section or the application of any provision of this section to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this section shall be given effect without the invalid provision or application.
  (b) The provisions of this section are severable.

Amended by Chapter 326, 2020 General Session

4-1-111 Exemptions from licensure.

Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:
(1) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
(2) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
(3) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:
  (a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
  (b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Amended by Chapter 438, 2025 General Session

4-1-112 License by endorsement.

(1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.

(2) Subject to Subsections (4) through (7), the department shall issue a license to an applicant who has been licensed in another state, district, or territory of the United States if:
(a) the department determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the license sought in this state;
(b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
(c) the applicant's license is in good standing in the other state, district, or territory.
(3) Subject to Subsections (4) through (7), the department may issue a license to an applicant who:
(a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i)
(A) the department determines that the applicant's education, experience, and skills demonstrate competency in the profession for which licensure is sought in this state; and
(B) under the license issued in the other state, district, territory, or jurisdiction, the applicant has at least one year of experience or a lesser minimum amount of experience established by the department; or
(ii) the department determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the license sought in this state; or
(b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
(ii) the department determines that the education or experience was substantially similar to the education or experience requirements for the license sought in this state.
(4) The department may refuse to issue a license to an applicant under this section if:
(a) the department determines that there is reasonable cause to believe that the applicant is not qualified to receive the license in this state; or
(b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
(5) Before the department issues a license to an applicant under this section, the applicant shall:
(a) pay a fee determined by the department under Section 63J-1-504; and
(b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the profession for which licensure is sought in this state.
(6) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.
(7) This section is subject to and may be supplemented or altered by licensure endorsement provisions or multistate licensure compacts in specific chapters of this title.

Amended by Chapter 104, 2024 General Session

Chapter 2
Administration

Part 1
Organization

4-2-101 Title.

This chapter is known as "Administration."

Enacted by Chapter 345, 2017 General Session

4-2-102 Department created.

(1) There is created within state government the Department of Agriculture and Food.

(2) The department created in Subsection (1) is responsible for the administration and enforcement of all laws, services, functions, and consumer programs related to agriculture in this state as assigned to the department by the Legislature.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-103 Functions, powers, and duties of department -- Fees for services -- Marketing orders -- Procedure -- Purchasing and auditing.

(1) The department shall:

(a) inquire into and promote the interests and products of agriculture and allied industries;

(b) promote methods for increasing the production and facilitating the distribution of the agricultural products of the state;

(c)

(i) inquire into the cause of contagious, infectious, and communicable diseases among livestock and the means for their prevention and cure; and

(ii) initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock;

(d) encourage experiments designed to determine the best means and methods for the control of diseases among domestic and wild animals;

(e) issue marketing orders for any designated agricultural product to:

(i) promote orderly market conditions for any product;

(ii) give the producer a fair return on the producer's investment at the marketplace; and

(iii) only promote and not restrict or restrain the marketing of Utah agricultural commodities;

(f) administer and enforce all laws assigned to the department by the Legislature;

(g) establish standards and grades for agricultural products and fix and collect reasonable fees for services performed by the department in conjunction with the grading of agricultural products;

(h) establish operational standards for any establishment that manufactures, processes, produces, distributes, stores, sells, or offers for sale any agricultural product;

(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary for the effective administration of the agricultural laws of the state;

(j) when necessary, make investigations, subpoena witnesses and records, conduct hearings, issue orders, and make recommendations concerning matters related to agriculture;

(k)

(i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any private or public place that may become infested or infected with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests;

(ii) establish and enforce quarantines;

(iii) issue and enforce orders and rules for the control and eradication of pests, wherever they may exist within the state; and

(iv) perform other duties relating to plants and plant products considered advisable and not contrary to law;

(l) inspect apiaries for diseases inimical to bees and beekeeping;

(m) take charge of any agricultural exhibit within the state, if considered necessary by the department, and award premiums at that exhibit;

(n) provide for the coordination of state conservation efforts, including by:

(i) assisting the Conservation Commission in the administration of Chapter 18, Conservation Commission Act;

(ii) implementing Chapter 46, Conservation Coordination Act, including entering into agreements with other state agencies; and

(iii) administering and disbursing money available to assist conservation districts in the state in the conservation of the state's soil and water resources;

(o) participate in the United States Department of Agriculture certified agricultural mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

(p) promote and support the multiple use of public lands;

(q) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(i) under this title;

(ii) by the department; or

(iii) by an entity within the department;

(r) in accordance with Title 73, Chapter 3d, Part 4, Compensation:

(i) conduct mediation or arbitration; and

(ii) assist in the issuance of loans by the Conservation Commission; and

(s) perform any additional functions, powers, and duties provided by law.

(2) The department, by following the procedures and requirements of Section 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

(3)

(a) A marketing order issued under Subsection (1)(e) may not take effect until:

(i) the department gives notice of the proposed order to the producers and handlers of the affected product;

(ii) the commissioner conducts a hearing on the proposed order; and

(iii) at least 50% of the registered producers and handlers of the affected products vote in favor of the proposed order.

(b)

(i) The department may establish boards of control to administer marketing orders and the proceeds derived from any order.

(ii) A board of control shall:

(A) ensure that proceeds are placed in an account in the board of control's name in a depository institution; and

(B) ensure that the account described in Subsection (3)(b)(ii)(A) is annually reviewed by an accountant approved by the commissioner.

(4) Money collected by grain grading, as provided by Subsection (1)(g), shall be deposited into the General Fund as dedicated credits for the grain grading program.

(5) In fulfilling the department's duties in this chapter, the department may:

(a) purchase, as authorized or required by law, services that the department is responsible to provide for legally eligible persons;

(b) take necessary steps, including legal action, to recover money or the monetary value of services provided to a recipient who is not eligible;
(c) examine and audit the expenditures of any public funds provided to a local authority, agency, or organization that contracts with or receives funds from those authorities or agencies;
(d) accept and administer grants from the federal government and from other sources, public or private; and
(e) fund grants using money appropriated by the Legislature or money received from any other source.

Amended by Chapter 130, 2025 General Session
Amended by Chapter 462, 2025 General Session

4-2-104 Administration by commissioner.
(1) Administration of the department is under the direction, control, and management of a commissioner appointed by the governor with the advice and consent of the Senate.
(2) The commissioner shall serve at the pleasure of the governor.
(3) The governor shall establish the commissioner's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Amended by Chapter 352, 2020 General Session

4-2-105 Organization of divisions within department.
The commissioner shall organize the department into divisions, as necessary, for the efficient administration of the department's business.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-106 Submission of department's budget.
(1) The commissioner, upon request of the governor, shall submit an itemized budget for the department to the governor.
(2) The proposed budget described in Subsection (1) shall:
(a) contain a complete plan of proposed expenditures and estimated revenues for the ensuing fiscal year; and
(b) be accompanied by a statement setting forth the revenues and expenditures for the fiscal year next preceding and the current assets and liabilities of the department, including restricted revenue accounts and dedicated credits.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-107 Official seal -- Authentication of records.
(1) The department shall adopt and use an official seal, a description and impression of which shall be filed with the Division of Archives.
(2) Copies of official department records, documents, and proceedings may be authenticated with the seal attested by the commissioner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-108 Agricultural Advisory Board created -- Composition -- Responsibility -- Terms of office -- Compensation -- Executive committee.

(1) There is created the Agricultural Advisory Board composed of the following 21 members:
  (a) the dean of the College of Agriculture and Applied Science from Utah State University; and
  (b) the following appointed by the commissioner:
    (i) two representatives of associations representing interests of farmers, selected from a list of nominees submitted by at least two associations representing farmers;
    (ii) a representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;
    (iii) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;
    (iv) one representative of an association representing dairies, selected from a list of nominees submitted by at least one association representing dairies;
    (v) one representative of an association representing pork producers, selected from a list of nominees submitted by at least one association representing pork producers;
    (vi) one representative of egg and poultry producers;
    (vii) one representative of an association representing veterinarians, selected from a list of nominees submitted by at least one association representing veterinarians;
    (viii) one representative of an association representing livestock auctions, selected from a list of nominees submitted by at least one association representing livestock auctions;
    (ix) one representative of an association representing conservation districts, selected from a list of nominees submitted by at least one association representing conservation districts;
    (x) one representative of the Utah horse industry;
    (xi) one representative of the food processing industry;
    (xii) one representative of the fruit and vegetable industry;
    (xiii) one representative of the turkey industry;
    (xiv) one representative of manufacturers of food supplements;
    (xv) one representative of a consumer affairs group;
    (xvi) one representative of urban and small farmers;
    (xvii) one representative of an association representing elk breeders, selected from a list of nominees submitted by at least one association representing elk breeders;
    (xviii) one representative of an association representing beekeepers, selected from a list of nominees submitted by at least one association representing beekeepers; and
    (xix) one representative of fur breeders, selected from a list of nominees submitted by at least one association representing fur breeders.
(2) The Agricultural Advisory Board shall:
  (a) advise the commissioner regarding:
    (i) the planning, implementation, and administration of the department's programs; and
    (ii) the establishment of standards governing the care of livestock and poultry, including consideration of:
      (A) food safety;
      (B) local availability and affordability of food; and
      (C) acceptable practices for livestock and farm management; and
  (b) adopt best management practices for sheep, swine, cattle, and poultry industries in the state.
(3) The Agricultural Advisory Board may adopt best management practices for domesticated elk, mink, apiaries, and other agricultural industries in the state.

(4) For purposes of this section, "best management practices" means practices used by agriculture in the production of food and fiber that are commonly accepted practices, or that are at least as effective as commonly accepted practices, and that:
(a) protect the environment;
(b) protect human health; and
(c) promote the financial viability of agricultural production.
(5)
(a) Except as required by Subsection (1)(a) or (5)(b), members of the Agricultural Advisory Board are appointed by the commissioner to four-year terms of office.
(b) Notwithstanding the requirements of Subsection (5)(a), the commissioner 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.
(c) A member may be removed at the discretion of the commissioner upon the request of the group the member represents.
(d) When a vacancy occurs in the membership for any reason, the commissioner shall appoint a replacement for the unexpired term.
(6) The Agricultural Advisory Board shall elect one member to serve as chair of the Agricultural Advisory Board for a term of one year.
(7)
(a) The Agricultural Advisory Board shall meet twice a year, but may meet more often at the discretion of the chair.
(b) Attendance of 11 members at a duly called meeting of the Agricultural Advisory Board constitutes a quorum for the transaction of official business.
(8) A member of the Agricultural Advisory Board 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.
(9)
(a) There is created an executive committee of the Agricultural Advisory Board consisting of the following seven members selected from members of the Agricultural Advisory Board:
(i) the two representatives appointed under Subsection (1)(b)(i);
(ii) the representative appointed under Subsection (1)(b)(ix); and
(iii) four members selected from the Agricultural Advisory Board as follows:
(A) for the initial members of the executive committee, by the commissioner; and
(B) after the initial members of the executive committee are selected, by the executive committee.
(b)
(i) A member of the executive committee shall serve a term of four years on the executive committee.
(ii) A member of the executive committee may serve for more than one term on the executive committee.
(iii) When a vacancy occurs in the membership of the executive committee for any reason, the replacement shall be selected in the same manner as under Subsection (9)(a) and for the unexpired term.
(c) Four members of the executive committee constitute a quorum and an action of the majority present when a quorum is present is action by the executive committee.
(d) The executive committee shall annually select a chair of the executive committee.

(e) The executive committee shall meet at least quarterly, except that the chair of the executive committee may call the executive committee for additional meetings.
(f) The executive committee shall:
(i) recommend to the department fees to be imposed under this title;
(ii) accept public comment received under this title; and
(iii) carry out the responsibilities assigned to the executive committee by statute.

Amended by Chapter 274, 2022 General Session
Amended by Chapter 126, 2021 General Session

4-2-109 Temporary advisory committees -- Appointment -- Compensation.
(1) The commissioner, with the permission of the governor, may appoint other advisory committees on a temporary basis to offer technical advice to the department.
(2) A member of a committee serves at the pleasure of the commissioner.
(3) 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.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
State Chemist

4-2-201 Appointment of the state chemist.
The commissioner shall appoint a state chemist.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-202 State chemist responsibilities.
(1) The state chemist shall:
(a) serve as the chief administrative officer of the Division of Laboratories; and
(b) supervise and administer all analytical tests required to be performed under this title or under any rule adopted under this title.
(2) The state chemist may perform analytical tests for other state agencies, federal agencies, units of local government, and private persons if:
(a) the tests and analytical work do not interfere with, or impede, the work required by the department; and
(b) a charge commensurate with the work involved is made and collected.
(3) The state chemist shall perform any other official duties assigned by the commissioner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-203 Department of Agriculture and Food Laboratory Equipment Fund.

(1) There is created an expendable special revenue fund known as the "Department of Agriculture and Food Laboratory Equipment Fund," which is referred to in this section as the "fund."
(2) The fund consists of:
  (a) collections the Division of Laboratories within the department receives under this title that are not expended during the previous fiscal year;
  (b) appropriations from the Legislature; and
  (c) interest and earnings on the fund.
(3) The state treasurer shall invest the money in the fund according to Title 51, Chapter 7, State Money Management Act, except that interest or other earnings derived from those investments shall be deposited into the fund.
(4)
  (a) The department may use money in the fund only to pay for the repair, replacement, or upgrade of laboratory equipment in accordance with this section.
(5) The state chemist or the commissioner shall approve expenditures from the fund for laboratory equipment repair, replacement, or upgrade as follows:
  (a) the state chemist may approve using money in the fund to repair, replace, or upgrade laboratory equipment if the amount to be expended is less than $10,000; and
  (b) the state chemist shall obtain the approval of the commissioner for using money in the fund to repair, replace, or upgrade laboratory equipment if the amount to be expended equals or exceeds $10,000.
(6)
  (a) Subject to the other provisions of this Subsection (6), the Division of Finance shall deposit into the fund the collections that the Division of Laboratories receives under this title that are not expended during a fiscal year.
  (b) The fund may not exceed $500,000 at the end of a fiscal year.
  (c) If the fund exceeds $500,000 at the end of the fiscal year, the Division of Finance shall deposit into the General Fund the money in excess of the amount necessary to maintain the fund balance at $500,000.

Enacted by Chapter 131, 2021 General Session

Part 3
Enforcement and Penalties

4-2-301 Attorney general legal advisor for department -- County or district attorney may bring action upon request of department for violations of title.
(1) The attorney general is the legal advisor for the department and shall defend the department and the department's representatives in all actions and proceedings brought against the department.
(2)
  (a) The county attorney or the district attorney, as provided under Sections 17-18a-202 and 17-18a-203, of the county in which a cause of action arises or a public offense occurs may bring civil or criminal action, upon request of the department, to enforce the laws, standards, orders, and rules of the department or to prosecute violations of this title.
  (b) If the county attorney or district attorney fails to act, the department may request the attorney general to bring an action on behalf of the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-302 Notice of violation -- Order for corrective action.

(1) Whenever the department determines that any person, or any officer or employee of any person, is violating any requirement of this title or rules adopted under this title, the department shall serve written notice upon the alleged violator that specifies the violation and alleges the facts constituting the violation.

(2) After serving notice as required in Subsection (1), the department may:

(a) issue an order for necessary corrective action; and

(b) request the attorney general, county attorney, or district attorney to seek injunctive relief and enforcement of the order as provided in Subsection 4-2-301(2).

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-303 Violations unlawful.

It is unlawful for a person, or the officer or employee of a person, to willfully violate, disobey, or disregard this title, a rule made under this title, or any notice or order issued under this title.

Amended by Chapter 311, 2020 General Session

4-2-304 Civil and criminal penalties -- Costs -- Civil liability.

(1)

(a) Except as otherwise provided by this title, any person, or the officer or employee of any person, who violates this title or any lawful notice or order issued pursuant to this title shall be assessed a penalty not to exceed $5,000 per violation in a civil proceeding, and is guilty of a class B misdemeanor in a criminal proceeding.

(b) A subsequent criminal violation within two years is a class A misdemeanor.

(2) Any person, or the officer or employee of any person, shall be liable for any expenses incurred by the department in abating any violation of this title.

(3) A penalty assessment or criminal conviction under this title does not relieve the person assessed or convicted from civil liability for claims arising out of any act that was also a violation.

Renumbered and Amended by Chapter 345, 2017 General Session

4-2-305 Preemption.

(1) Subject to concurrence with relevant federal laws and except as provided in Subsection (4), the department has exclusive jurisdiction over regulation regarding:

(a) commercial feed, as described in Chapter 12, Utah Commercial Feed Act;

(b) fertilizer, as described in Chapter 13, Utah Plant Food Act;

(c) pesticides, as described in Chapter 14, Utah Pesticide Control Act; and

(d) seeds, as described in Chapter 16, Utah Seed Act.

(2) The regulation of commercial feed, fertilizer, pesticides, and seeds within the state is of statewide concern, except as provided in Subsection (4), and this title occupies the whole field of potential regulation.

(3) Except as provided in Subsection (4), a political subdivision of the state is prohibited from regulating commercial feed, fertilizer, pesticides, and seeds, and local ordinances, resolutions, amendments, regulations, or laws that seek to do so are void.
(4) Nothing in this section preempts or otherwise limits the authority of a political subdivision to:
(a) adopt and enforce zoning regulations, fire codes, building codes, or waste disposal restrictions; or
(b) in consultation with the department, enforce, maintain, amend, or otherwise continue to implement a regulation created on or before January 1, 2017, related to the use of pesticides and fertilizers in surface water and groundwater source water protection areas.

Amended by Chapter 91, 2025 General Session

Part 4
State Veterinarian

4-2-401 Appointment.
The commissioner shall appoint a state veterinarian.

Amended by Chapter 345, 2017 General Session

4-2-402 State veterinarian responsibilities.
(1) The state veterinarian shall:
(a) coordinate the department's responsibilities for:
(i) the promotion of animal health; and
(ii) the diagnosis, surveillance, and prevention of animal disease;
(b) aid the meat inspection manager, whose duties are specified by the commissioner, in the direction of the inspection of meat and poultry; and
(c) perform other official duties assigned by the commissioner.
(2) The state veterinarian shall be a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act.

Amended by Chapter 528, 2023 General Session

Part 5
Horse Tripping Awareness

4-2-501 Title.
This part is known as "Horse Tripping Awareness."

Enacted by Chapter 128, 2015 General Session

4-2-502 Definitions.
As used in this part:
(1) "Board executive committee" means the executive committee of the Agricultural Advisory Board created in Section 4-2-108.

(2) "Horse event" means an event in which horses are roped or tripped for the purpose of a specific event or contest.
(3)
(a) "Horse tripping" means the lassoing or roping of the legs of an equine, or otherwise tripping or causing an equine to fall by any means, for the purpose of entertainment, sport, or contest, or practice for entertainment, sport, or contest.
(b) "Horse tripping" does not include accepted animal husbandry practices, customary farming practices, or commonly accepted practices occurring in conjunction with a sanctioned rodeo, animal race, or pulling contest.

Amended by Chapter 126, 2021 General Session

4-2-503 Event reporting requirements.
(1) The owner of a venue holding a horse event shall:
(a) at least 30 days before the day on which the horse event is to be held, notify the board executive committee of the date, time, and name of the horse event; and
(b) no later than 30 days after the day on which the horse event is held, notify the board executive committee of:
(i) the number and type of competitions held at the horse event;
(ii) the number of horses used;
(iii) whether horse tripping occurred, and if so how many horses were used in horse tripping and how many times each horse was tripped; and
(iv) whether a veterinarian was called during the horse event, and if so:
(A) the name and contact information of the veterinarian;
(B) the outcome of the veterinarian's examination of a horse; and
(C) the veterinarian charges incurred.
(2)
(a) The department shall compile the reports received pursuant to Subsection (1) and provide the information to the board executive committee.
(b) The board executive committee shall, at a meeting described in Subsection 4-2-108(9):
(i) review the information described in Subsection (2)(a); and
(ii) if necessary, make recommendations for rules or legislation designed to prohibit horse tripping.
(3) The department shall fine the owner of a venue that fails to fulfill the duties described in Subsection (1) $500 per violation.
(4) The department, in consultation with the board executive committee, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce this part.

Amended by Chapter 126, 2021 General Session

Part 7
Pollinator Pilot Program

4-2-701 Pollinator habitat program.

(1) Subject to the other provisions of this section, the department shall implement a pollinator habitat program that includes one or more of the following:
(a) public education efforts that include workshops, planting guides, or a public education campaign to raise awareness about creating pollinator habitats;
(b) distribution of pollinator-friendly native flowering plants or seeds for native flowering plants for planting within the state to protect a diversity of pollinators;
(c) pollinator programs run by local governments and nonprofit organizations with support from the department; and
(d) grants that:
(i) are provided on a first-come, first-served basis; and
(ii) cover up to 75% of the costs for the planting of pollinator-friendly native flowering plants or seeds for native flowering plants on private or public land.
(2)
(a) The department may coordinate with the federal government, other state agencies, state institutions of higher education, or political subdivisions to provide for the activities described in Subsection (1).
(b) The department may designate smaller areas of the state to begin the activities described in Subsection (1).
(3) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
(a) the criteria for receiving a grant under this section; and
(b) the process to apply for and receive a grant under this section.

Amended by Chapter 94, 2025 General Session

Part 8
Cosmetics

4-2-801 Good manufacturing practices for cosmetics.
(1) As used in this section:
(a) "Cosmetic" means the same as that term is defined in 21 U.S.C. Sec. 321.
(b) "Good manufacturing practices" means the current good manufacturing practices described in the United States Food and Drug Administration's Guidance for Industry: Cosmetic Good Manufacturing Practices.
(2)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the department shall make and enforce rules establishing a voluntary certification program for good manufacturing practices for cosmetics, including:
(i) the criteria for receiving a good manufacturing practices certificate, including the qualifications for registering with the department as required by Subsection (3)(a);
(ii) the process to apply for and receive a good manufacturing practices certificate under this section; and
(iii) criteria by which the department will determine the term of a good manufacturing practices certificate in accordance with Subsection (5).
(b) Rules made pursuant to this section may not be more stringent than:
(i) rules established by federal law; or

(ii) guidance published by the United States Food and Drug Administration.
(3) The department's good manufacturing practices certification program shall provide for the issuance of a certificate to an applicant if:
(a) the applicant is registered with the department pursuant to registration requirements established by the department under Subsection (2)(a);
(b) the applicant submits an application to the department requesting a certificate for the applicant's manufacturing facility; and
(c) the department inspects the applicant's manufacturing facility and determines that the applicant is in compliance with good manufacturing practices.
(4)
(a) In accordance with Section 63J-1-504, the department shall adopt a schedule of registration and certificate fees to cover the department's costs of administering the certification program described in this section.
(b) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits.
(5) A good manufacturing practices certificate issued under this section shall:
(a) specify the certificate issuance date and expiration date; and
(b) be valid for a term of one to three years as determined by the department pursuant to criteria established under Subsection (2)(a).

Enacted by Chapter 268, 2022 General Session

Part 9
Veterinarian Education Loan Repayment Program

4-2-901 Definitions.

As used in this part:
(1) "Animal shelter" means the same as that term is defined in Section 11-46-102.
(2) "Education loan" means a loan received for education at a domestic or foreign institution of higher education, including a school or college of veterinary medicine.
(3) "Education loan balance" includes charges for paying off the balance of the loan.
(4) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
(5) "Livestock" means the same as that term is defined in Section 4-1-109.
(6) "Loan" means a loan that is made directly by, insured by, or guaranteed under a government program of:
(a) a state;
(b) the United States; or
(c) a foreign government.
(7) "Maximum payment value" means the lesser of:
(a) the sum of a qualified veterinarian's education loan balances; or
(b) $20,000.
(8) "Program" means the Veterinarian Education Loan Repayment Program created in Section 4-2-902.
(9) "Qualified veterinarian" means a veterinarian who has practiced, as defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as a veterinarian:
(a) in an area of the state that is Indian country;
(b) in an animal shelter within the state operated by:

(i) a county;
(ii) a municipality; or
(iii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
(c) in any area of the state as an employee of the department;
(d) in any combination of the areas described in Subsections (9)(a) through (c); or
(e) with a practice that includes:
(i) at least 30% livestock medicine; or
(ii) at least 20% livestock medicine if the veterinarian practices at least 10% in any combination of the areas described in Subsection (9)(a) through (c).
(10) "Veterinarian" means an individual licensed under Title 58, Chapter 28, Veterinary Practice Act.

Amended by Chapter 91, 2025 General Session

4-2-902 Veterinarian Education Loan Repayment Program.
(1) There is created within the department the Veterinarian Education Loan Repayment Program.
(2)
(a) Beginning July 1, 2024, the program shall on a first-come, first-served basis make payments toward a qualified veterinarian's education loan balances.
(b) A veterinarian is eligible for payments under Subsection (2)(a) if the veterinarian:
(i) applies as a qualified veterinarian for payment from the program; and
(ii) registers with the program at least one year before the day the veterinarian applies under Subsection (2)(b)(i) for payment.
(c) Payments made under Subsection (2)(a) shall:
(i) be made directly to one or more of the qualified veterinarian's lenders;
(ii) as funding for the program permits, each year equal the maximum payment value; and
(iii) extend for a period no longer than five years for the qualified veterinarian.
(3) The department may use 2% or less of the amount appropriated for the program to pay for actual costs of administering the program.
(4) On or before October 1 each year, the department shall submit a report of the program's revenues, expenditures, and outcomes to the Natural Resources, Agriculture, and Environment Interim Committee and the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee.
(5) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the program, including rules specifying how a veterinarian may register intent to apply for payment from the program.

Amended by Chapter 91, 2024 General Session

4-2-903 Animal care violations.
(1) "Animal care facility" means the same as that term is defined in Section 76-13-215.
(2) The department may, in accordance with this section and as resources allow, respond to a complaint that an animal care facility has violated Subsection 76-13-202(2)(a) or Section 76-13-215.
(3) If the department determines that a person has violated Subsection 76-13-202(2)(a) or Section 76-13-215, the department may:
(a) impose a civil fine of up to $500 per violation;

(b) seek a temporary restraining order;
(c) seek an injunction;
(d) seek an order of seizure or condemnation for an animal that is the subject of the violation, if the department has identified a suitable animal care facility that accepts custody of the animal; or
(e) report the circumstances to law enforcement or a prosecutor.
(4) An action by the department under Subsection (3) may precede and does not preclude a criminal penalty or criminal prosecution under Section 76-13-202, 76-13-203, 76-13-204, or 76-13-215.
(5) The department shall deposit a fine imposed under Subsection (3) into the General Fund as a dedicated credit to be used by the department for enforcement of this section.

Amended by Chapter 173, 2025 General Session

Part 10
Agritourism Registry

4-2-1001 Definitions.

As used in this part:
(1) "Agricultural enterprise" means the same as that term is defined in Section 78B-4-512.
(2) "Agritourism activity" means the same as that term is defined in Section 78B-4-512.
(3) "Registry" means the voluntary agritourism registry described in Section 4-2-1002.

Enacted by Chapter 30, 2024 General Session

4-2-1002 Agritourism registry.

(1) The department shall maintain a voluntary agritourism registry.
(2) The purpose of the registry is to provide public notice of locations where individuals may participate in an agritourism activity.
(3) The owner of an agricultural enterprise that provides an agritourism activity in Utah may voluntarily place the agritourism activity on the registry by providing the following information to the department:
(a) the name and location of the agricultural enterprise;
(b) a description of the agritourism activity; and
(c) details relating to participation in the agritourism activity, including cost, hours of operation, and other relevant information.
(4) The owner of an agricultural enterprise with an agritourism activity on the registry shall notify the department of any changes to the information described in Subsection (3).
(5) The department:
(a) shall post the information on the registry to the department's website in a location where the public may conveniently access the information;
(b) may publicize the availability of the registry to the public; and
(c) may not charge a fee to be listed on, or to use, the registry.
(6) A registration under this section is in effect for five years, unless the owner requests removal at an earlier time.

Enacted by Chapter 30, 2024 General Session

Part 11
Agricultural Studies

4-2-1101 Local food study.

(1) As used in this section, "local food" means an agricultural product that is:
  (a) produced, processed, and distributed for sale or consumption within the state; and
  (b) sold to an end consumer within the state.
(2)
  (a) The department shall study the barriers and gaps related to increasing local food availability in the state, including analysis of:
    (i) the intrastate food supply chain;
    (ii) crop production and optimization;
    (iii) the agricultural workforce;
    (iv) the capital funding of local food production; and
    (v) federal and state regulatory burdens on local food production.
  (b) The department shall seek input from a wide range of stakeholders for the study described in Subsection (2)(a), including a diverse group of the state's agricultural producers based on geography, operation size. and operation type.
(3) The study described in Subsection (2) shall:
  (a) research the production costs and economic impacts for agricultural operators to:
    (i) voluntarily seek to implement or explore various crop types, including the production costs to, and economic impacts on, agricultural operators that seek out assistance to incorporate new traditional or alternative crop types into an existing operation; and
    (ii) maintain, modernize, and upgrade equipment;
  (b) research the barriers to entry associated with careers in agriculture by reviewing:
    (i) existing challenges;
    (ii) available career development and hiring resources;
    (iii) programs in other states that support individuals interested in pursuing careers in agriculture;
    (iv) opportunities for new agricultural producers to use the expertise and capital of existing agricultural producers; and
    (v) the potential for creating a small farm incubator program;
  (c) research gaps in the state's food supply chain with respect to local food, including:
    (i) aggregation;
    (ii) distribution;
    (iii) storage; and
    (iv) processing; and
  (d) propose potential funding solutions to address the issues identified by the department's research under this Subsection (3), including recommendations for:
    (i) potential grant programs;
    (ii) potential investment by private capital; and
    (iii) available funding from state and federal sources.
(4)

(a) The department shall report to the Natural Resources, Agriculture, and Environment Interim Committee at or before the committee's June 2026 interim meeting.
(b) The report described in Subsection (4)(a) shall include:
(i) research findings related to each study item described in Subsection (3); and
(ii) policy solutions related to each study item described in Subsection (3).
(c) The report described in Subsection (4)(a) may include recommendations for legislation and legislative appropriations.

Enacted by Chapter 278, 2025 General Session

Chapter 3
Utah Dairy Act

Part 1
Organization

4-3-101 Title.

This chapter is known as the "Utah Dairy Act."

Enacted by Chapter 345, 2017 General Session

4-3-102 Definitions.

As used in this chapter:
(1) "Adulterated" means any dairy product that:
(a) contains any poisonous or deleterious substance that may render it injurious to health;
(b) has been produced, prepared, packaged, or held:
(i) under unsanitary conditions;
(ii) where it may have become contaminated; or
(iii) where it may have become diseased or injurious to health;
(c) contains any food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;
(d) contains:
(i) any filthy, putrid, or decomposed substance;
(ii) fresh fluid milk with a lactic acid level at or above .0018; or
(iii) cream with a lactic acid level at or above .008 or that is otherwise unfit for human food;
(e) is the product of:
(i) a diseased animal;
(ii) an animal that died otherwise than by slaughter; or
(iii) an animal fed upon uncooked offal;
(f) has intentionally been subjected to radiation, unless the use of the radiation is in conformity with a rule or exemption promulgated by the department; or
(g)
(i) has any valuable constituent omitted or abstracted;
(ii) has any substance substituted in whole or in part;
(iii) has damage or inferiority concealed in any manner; or
(iv) has any substance added, mixed, or packed with the product to:

(A) increase its bulk or weight;
(B) reduce its quality or strength; or
(C) make it appear better or of greater value.
(2) "Certificate" means a document allowing a person to market milk.
(3) "Cow-share program" means a program in which a person acquires an undivided interest in a milk producing hoofed mammal through an agreement with a producer that includes:
(a) a bill of sale for an interest in the mammal;
(b) a boarding arrangement under which the person boards the mammal with the producer for the care and milking of the mammal and the boarding arrangement and bill of sale documents remain with the program operator;
(c) an arrangement under which the person receives raw milk for personal use not to be sold or distributed in a retail environment or for profit; and
(d) no more than two cows, 10 goats, and 10 sheep per farm in the program.
(4) "Dairy product" means any product derived from raw or pasteurized milk.
(5) "Distributor" means any person who distributes a dairy product.
(6)
(a) "Filled milk" means any milk, cream, or skimmed milk, whether condensed, evaporated, concentrated, powdered, dried, or desiccated, that has fat or oil other than milk fat added, blended, or compounded with it so that the resultant product is an imitation or semblance of milk, cream, or skimmed milk.
(b) "Filled milk" does not include any distinctive proprietary food compound:
(i) that is prepared and designated for feeding infants and young children, which is customarily used upon the order of a licensed physician;
(ii) whose product name and label does not contain the word "milk"; and
(iii) whose label conforms with the food labeling requirements.
(7) "Frozen dairy products" mean dairy products normally served to the consumer in a frozen or semifrozen state.
(8) "Grade A milk," "grade A milk products," and "milk" have the same meaning that is accorded the terms in the federal standards for grade A milk and grade A milk products unless modified by rules of the department.
(9) "Manufacturer" means any person who processes milk in a way that changes the milk's character.
(10) "Manufacturing milk" means milk used in the production of non-grade A dairy products.
(11) "Misbranded" means:
(a) any dairy product whose label is false or misleading in any particular, or whose label or package fails to conform to any federal regulation adopted by the department that pertains to packaging and labeling;
(b) any dairy product in final packaged form manufactured in this state that does not bear:
(i) the manufacturer's, packer's, or distributor's name, address, and plant number, if applicable;
(ii) a clear statement of the product's common or usual name, quantity, and ingredients, if applicable; and
(iii) any other information required by rule of the department;
(c) any butter in consumer package form that is not at least B grade, or that does not meet the grade claimed on the package, measured by U.S.D.A. butter grade standards;
(d) any imitation butter made in whole or in part from material other than wholesome milk or cream, except clearly labeled "margarine";
(e) renovated butter unless the words "renovated butter," in letters not less than 1/2-inch in height appear on each package, roll, square, or container of such butter; or

(f) any dairy product in final packaged form that makes nutritional claims or adds or adjusts nutrients that are not so labeled.
(12) "Pasteurization" means any process that renders dairy products practically free of disease organisms and is accepted by federal standards.
(13) "Permit" means a document allowing a person or plant, as designated in the permit, to:
(a) process, manufacture, supply, test, haul, or pasteurize milk or milk products; or
(b) repair equipment used to conduct the activities described in Subsection (13)(a).
(14) "Plant" means any facility where milk is processed or manufactured.
(15) "Processor" means any person who subjects milk to a process.
(16) "Producer" means a person who owns a cow or other milk producing hoofed mammal that produces milk for consumption by persons other than the producer's family, employees, or nonpaying guests.
(17) "Raw milk" means unpasteurized milk.
(18) "Renovated butter" means butter that is reduced to a liquid state by melting and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product of milk.
(19) "Retailer" means any person who sells or distributes dairy products directly to the consumer.

Amended by Chapter 528, 2023 General Session

Part 2
Rules and Regulations

4-3-201 Authority to make and enforce rules.

The department is authorized and directed, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules to carry out the purposes of this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-202 Authority in local jurisdictions to regulate dairy products -- Department standards to govern -- Department evaluation permitted -- Local notice to cease inspection.

(1) While nothing in this chapter shall impair the authority of any town, city, or county to regulate the production, handling, storage, distribution, or sale of dairy products, frozen dairy products, grade A milk, grade A milk products, or milk, within their respective jurisdictions, a common standard as prescribed by the department shall be followed in such jurisdictions.
(2) If a town, city, or county elects to enforce this chapter, the department shall accept its findings relative to inspections in lieu of making its own inspections, but the department may evaluate the effectiveness of any local inspection program.
(3) If a town, city, or county intends to cease making inspections under this chapter, it shall notify the department of its intent to cease inspection at least one year in advance of the actual cessation of inspection.
(4) Upon request, the commissioner shall cooperate with other state agencies, towns, cities, counties, and federal authorities in the administration and enforcement of this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-203 Authority to inspect premises.

(1) The department may inspect any premises where dairy products are produced, manufactured, processed, stored, or held for distribution, at reasonable times and places, to determine whether the premises are in compliance with this chapter and the rules adopted according to it.
(2) If the department is denied access, it may proceed immediately to the nearest court of competent jurisdiction to seek an ex parte warrant or its equivalent to permit inspection of the premises.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-204 Authority to collect samples -- Receipt -- Names of distributors.

(1) Samples of dairy products from each dairy farm or processing plant may be secured and examined as often as deemed necessary by the department.
(2) Samples of dairy products from stores, cafes, soda fountains, restaurants, and other places where dairy products are sold may be secured and examined as often as deemed necessary by the department.
(3) Samples of milk or dairy products may be taken by the department at any time before final delivery to the consumer.
(4) The department shall provide a signed receipt for all samples taken showing the date of sampling and the amount and kind of sample taken; provided, that the department is not liable to any person for the cost of any sample taken.
(5) All proprietors of stores, cafes, restaurants, soda fountains, and other similar places shall furnish the department, upon request, with the names of all distributors from whom dairy products are obtained.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-205 Condemnation, embargo, denaturization of unfit milk or dairy products -- Unfit equipment.

(1) The department may condemn or embargo any milk or dairy product which is adulterated, misbranded, or not produced or processed in accordance with this chapter.
(2) The department may condemn the use of any equipment, tank, or container used to produce, process, manufacture, or transport milk or dairy products that it finds, upon inspection, to be unclean or contaminated.
(3) The department may mark or tag any condemned equipment, tank, or container with the words "this (equipment, tank, or container) is unfit to contain human food."
(4) Condemned milk shall be decharacterized or denatured with harmless coloring or rennet by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-206 Testing and measuring milk -- Standards prescribed -- Milk quality work in accordance with rules.

(1) Milk shall be tested and measured in accordance with:
  (a) the latest edition of "Association of Official Analytical Chemists";
  (b) the latest edition of "Standard Methods for Examination of Dairy Products";
  (c) other publications accepted by the department; or
  (d) methods prescribed by the department.

(2) A processor or manufacturer shall perform quality work in accordance with the rules adopted by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Licensing Permits

4-3-301 Permits or certificates -- Application -- Fee -- Expiration -- Renewal.

(1) Application for a permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale distribution of dairy products shall be made to the department upon forms prescribed and furnished by the department.
(2) Upon receipt of a proper application, compliance with the applicable rules, and payment of a permit fee determined by the department according to Subsection 4-2-103(2), the commissioner, if satisfied that the public convenience and necessity and the industry will be served, shall issue an appropriate permit to the applicant subject to suspension or revocation for cause.
(3) A permit issued under this section expires at midnight on December 31 of each year.
(4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale distribution of dairy products, is renewable for a period of one year upon the payment of an annual permit renewal fee determined by the department according to Subsection 4-2-103(2) on or before December 31 of each year.
(5) Notwithstanding the requirements of Subsection (1), application for a permit or certificate to produce milk or a raw milk product, as that term is defined in Section 4-3-503, shall be made to the department on forms prescribed and furnished by the department.
(6)
  (a) Upon receipt of a proper application and compliance with applicable rules, the commissioner shall issue a permit entitling the applicant to engage in the business of producer, subject to suspension or revocation for cause.
  (b) A fee may not be charged by the department for issuance of a certificate.

Amended by Chapter 528, 2023 General Session

4-3-302 Permits and certificates -- Suspension or revocation -- Grounds.

(1) The department may revoke or suspend the permit or certificate of any person who violates this chapter or any rule enacted under the authority of this chapter.
(2) All or part of any permit or certificate may be suspended immediately if an emergency exists that presents a clear and present danger to the public health, or if inspection or sampling is refused.

Amended by Chapter 528, 2023 General Session

Part 4
Unlawful Acts

4-3-401 Unlawful acts specified.

It is unlawful for any person in this state to:

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

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

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

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

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

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

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

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

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

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

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

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

(13) use any tank or container used for the transportation of milk or other dairy products that is unclean or contaminated;

(14) refuse to allow the department to take samples for testing; or

(15) prohibit adding vitamin compounds in the processing of milk and dairy products in accordance with rules of the department.

Amended by Chapter 528, 2023 General Session

4-3-402 Processors, manufacturers, or distributors -- Unlawful to give money, equipment, or fixtures to retailer or consumer -- Exceptions -- Shelf space for dairy products.

(1) As used in this section:

(a) "liquid dairy product" means a milk container which contains a pint of milk or less; and

(b) "novelty ice cream" means a package or container of ice cream which contains eight fluid ounces or less.

(2) Except as provided in Subsections (3) and (4), no processor, manufacturer, distributor, or his affiliates, subsidiaries, associates, agents or stockholders shall furnish, service, repair, give, lease, sell, or loan to a retailer or consumer any:

(a) money;

(b) equipment;

(c) fixtures, including ice cream cabinets or bulk milk dispensers;
(d) supplies, excluding expendable supplies commonly provided in connection with the sale of dairy products to a consumer; or
(e) other things having a real or substantial value.
(3)
(a) Ice cream cabinets may be loaned or sold to a retailer if the ice cream cabinet:
(i) is portable;
(ii) has a storage capacity not exceeding 12 cubic feet; and
(iii) is used solely for retail display sales of novelty ice cream.
(b) Milk coolers may be loaned or sold to a retailer if the milk cooler:
(i) is portable;
(ii) has a storage capacity not exceeding 12 cubic feet; and
(iii) is used solely for retail display sales of liquid dairy products.
(4) The leasing or renting of cabinets, dispensers, or coolers for dairy products for civic affairs, demonstrations, or exhibits is prohibited unless it is for a period of 10 days or less in any one period of three consecutive months.
(5)
(a) Except as provided in Subsections (5)(b) and (5)(c), no retailer shall lease, sell, or loan shelf or refrigerator space for dairy products to a processor, manufacturer, or distributor or receive anything of value from a processor, manufacturer, or distributor in exchange for shelf or refrigerator space for dairy products.
(b) Subsection (5)(a) does not apply to a dairy by-product that is:
(i) a short-term special; or
(ii) a new product being introduced on a trial basis for a period not to exceed 45 days.
(c) A processor, manufacturer, or distributor may loan or sell an ice cream cabinet or milk cooler to a retailer for the display of the processor's, manufacturer's, or distributor's products, if the ice cream cabinet or milk cooler meets the requirements of Subsection (3).

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-403 Injunctions -- Bond not required -- Standing to maintain private action -- Damages authorized.

(1)
(a) The commissioner is authorized to apply to any court of competent jurisdiction for a temporary restraining order or injunction restraining any person from violating this chapter.
(b) No bond shall be required of the department in any proceeding brought under this subsection.
(2)
(a) In addition to penalties provided in this chapter, any person who suffers or is threatened with injury from any existing or threatened violation of Section 4-3-402 may commence an action in any court of competent jurisdiction for damages and, if proper, injunctive relief.
(b) Any organized and existing trade association, whether incorporated or not, is authorized to institute and prosecute a suit for injunctive relief and damages, as the real party in interest, on behalf of one or more of its members if the violation of Section 4-3-402 directly or indirectly affects a member.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 5
Special Programs

4-3-501 Cow share program notification.

(1) A producer who is in a cow-share program, as defined in Section 4-3-102, shall notify the department of the cow-share program and include in the notification:
  (a) the producer's name; and
  (b) a valid, current address of the farm on which the milk producing hoofed mammal in the cow-share program is located.
(2) Upon receipt, the department shall keep a notification of a cow-share program described in Subsection (1) on file.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-502 Exemption.

(1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk products are used by:
  (a) the owner of the farm;
  (b) a member of the owner's immediate family;
  (c) a participant in a cow-share program; or
  (d) a member of a participant in a cow-share program's immediate family.
(2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:
  (a) raw milk in accordance with the terms of a cow-share program agreement; or
  (b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.

Renumbered and Amended by Chapter 345, 2017 General Session

4-3-503 Sale of raw milk products -- Suspension of producer's permit -- Severability not permitted.

(1) As used in this section:
  (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.
  (b) "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.
  (c) "Raw milk product" means any product produced from raw milk.
  (d) "Self-owned retail store" means a retail store:
    (i) of which the producer owns at least 51% of the value of the real property and tangible personal property used in the operations of the retail store; or
    (ii) for which the producer has the power to vote at least 51% of any class of voting shares or ownership interest in the business entity that operates the retail store.
(2) Except as provided in Subsection (5), a raw milk product may be manufactured, distributed, sold, delivered, held, stored, or offered for sale if:
  (a) the producer obtains a permit from the department to produce the raw milk product under Subsection 4-3-301(6);
  (b) the sale and delivery of the raw milk product is made upon the premises where the raw milk product is produced, except as provided by Subsection (3);

(c) the raw milk product is sold to consumers for household use and not for resale;
(d) the raw milk product is bottled or packaged under sanitary conditions and in sanitary containers on the premises where the raw milk product is produced;
(e) the raw milk product is labeled "raw milk product" and meets the labeling requirements under 21 C.F.R. Parts 101 and 131 and rules established by the department;
(f) the raw milk used to produce the raw milk product is:
(i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
(ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal; and
(iii) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is delivered to the consumer or used to produce the raw milk product;
(g) the bacterial count of the raw milk used to produce the raw milk product does not exceed 20,000 colony forming units per milliliter and, if the bacterial count of raw milk used to produce the raw milk product exceeds 40,000 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the raw milk shall be tested and may not contain the following pathogens:
(i) shiga toxin-producing e. coli;
(ii) listeria monocytogenes;
(iii) salmonella; and
(iv) campylobacter;
(h) the coliform count of the raw milk used to produce the raw milk product does not exceed 10 colony forming units per milliliter and, if the coliform count of the raw milk used to produce the raw milk product exceeds 20 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the raw milk shall be tested and may not contain the following pathogens:
(i) shiga toxin-producing e. coli;
(ii) listeria monocytogenes;
(iii) salmonella; and
(iv) campylobacter;
(i) the production of the raw milk product conforms to departmental rules for the production of grade A milk products;
(j) the dairy animals on the premises are:
(i) permanently and individually identifiable; and
(ii) free of tuberculosis, brucellosis, and other diseases carried through milk; and
(k) any individual on the premises performing any work in connection with the production, bottling, packaging, handling, or sale of the raw milk product is free from communicable disease.
(3) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product at a self-owned retail store, that is properly staffed, or from a mobile unit where the raw milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature, if, in addition to the requirements of Subsection (2), the producer:
(a) transports the raw milk product from the premises where the raw milk product is produced to the self-owned retail store in a refrigerated truck where the raw milk product is maintained at 41 degrees Fahrenheit or a lower temperature;
(b) retains ownership of the raw milk product until it is sold to the final consumer, including transporting the raw milk product from the premises where the raw milk product is produced to the self-owned retail store without any:

(i) intervening storage;
(ii) change of ownership; or
(iii) loss of physical control;
(c) stores the raw milk product at 41 degrees Fahrenheit or a lower temperature in a display case equipped with a properly calibrated thermometer at the self-owned retail store;
(d) places a sign above each display case that contains a raw milk product at the self-owned retail store that:
(i) is prominent;
(ii) is easily readable by a consumer;
(iii) reads in print that is no smaller than .5 inch in bold type, "This milk product is raw and unpasteurized. Please keep refrigerated."; and
(iv) meets any other requirement established by the department by rule;
(e) labels the raw milk product with:
(i) a date, no more than nine days after the raw milk product is produced, by which the raw milk product should be sold;
(ii) the statement "Raw milk products, no matter how carefully produced, may be unsafe.";
(iii) handling instructions to preserve quality and avoid contamination or spoilage;
(iv) a specific colored label as determined by the department by rule; and
(v) any other information required by rule;
(f) refrains from offering the raw milk product for sale until:
(i) the department or a third party certified by the department tests each batch of raw milk used to produce a raw milk product for standard plate count and coliform count; and
(ii) the test results meet the minimum standards established for those tests;
(g)
(i) maintains a database of the raw milk product sales; and
(ii) makes the database available to the Department of Health and Human Services during the self-owned retail store's business hours for purposes of epidemiological investigation;
(h) ensures that the plant and retail store complies with Chapter 5, Utah Wholesome Food Act, and the rules governing food establishments enacted under Section 4-5-301; and
(i) complies with the applicable rules adopted as authorized by this chapter.
(4) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product and pasteurized milk at the same self-owned retail store if:
(a) the self-owned retail store is properly staffed; and
(b) the producer:
(i) meets the requirements of Subsections (2) and (3);
(ii) operates the self-owned retail store on the same property where the raw milk product is produced; and
(iii) maintains separate, labeled, refrigerated display cases for raw milk products and pasteurized milk.
(5) A producer may, without meeting the requirements of Subsection (2), sell up to 120 gallons of raw milk per month if:
(a) the sale is directly to an end consumer, for household use and not for resale;
(b) the sale and delivery of the raw milk is made upon the premises where the raw milk is produced;
(c) the producer labels the raw milk with:
(i) the producer's name and address;
(ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;

(iii) the statement "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no matter how carefully produced, may be unsafe."; and
(iv) handling instructions to preserve quality and avoid contamination or spoilage;
(d) the raw milk is:
(i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and
(ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal;
(e) the producer conducts a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-forming units per milliliter;
(f) the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases carried through milk;
(g) the producer maintains records of tests and sales for a minimum of two years; and
(h) the producer notifies the department of the producer's intent to sell raw milk pursuant to this Subsection (5) and includes in the notification the producer's name and address.
(6) A person who conducts a test required by Subsection (3) shall send a copy of the test results to the department as soon as the test results are available.
(7)
(a) The department shall make rules, as authorized by Section 4-3-201 and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the sale of raw milk products at a self-owned retail store.
(b) The rules adopted by the department shall include rules regarding:
(i) permits;
(ii) building and premises requirements;
(iii) sanitation and operating requirements, including bulk milk tanks requirements;
(iv) additional tests;
(v) use of a third-party testing laboratory within or outside of the state;
(vi) frequency of inspections, including random cooler checks;
(vii) recordkeeping; and
(viii) packaging and labeling.
(c) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the standards of identity for a raw milk product.
(d)
(i) The department shall establish and collect a fee for the tests and inspections required by this section and by rule in accordance with Section 63J-1-504.
(ii) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits and may only use the fees to administer and enforce this section.
(8)
(a) The department shall suspend a permit issued under Section 4-3-301 if:
(i) two out of four consecutive samples or two samples in a 30-day period violate sample limits established under this section; or
(ii) a producer violates this section or a rule adopted as authorized by this section.
(b) The department may reissue a permit that has been suspended under Subsection (8)(a) if the producer has:
(i) obtained a sample result that meets the standards described in Subsections (2)(g) and (h); and
(ii) complied with all of the requirements of this section and rules made as authorized by this section.

(c) Upon written request by a producer with a suspended permit, the department shall provide the producer information on how to request a hearing regarding the department's decision to suspend the permit.

(9)

(a) If any subsection of this section or the application of any subsection to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of the section may not be given effect without the invalid subsection or application.

(b) The provisions of this section may not be severed.

(10)

(a) Nothing in this chapter shall impede the Department of Health and Human Services or the department in an investigation of a foodborne illness outbreak.

(b) Notwithstanding Subsection (10)(a), if the Department of Health and Human Services or the department uses a survey to determine whether there is a foodborne illness outbreak linked to a raw milk product, the survey shall include questions that probe the common sources of the implicated pathogen for the foodborne illness outbreak.

(11)

(a) If after the investigation of a foodborne illness outbreak the department links the foodborne illness outbreak to a producer, the department shall issue a cease and desist order to the producer linked to the foodborne illness outbreak prohibiting the sale of the raw milk product pending testing required by Subsection (11)(h)(i).

(b) For purposes of the cease and desist order, to positively link a producer to a foodborne illness outbreak, the department shall produce evidence from the investigation under Subsection (10) that the foodborne illness outbreak originated with the producer's raw milk product.

(c) A producer who receives a cease and desist order from the department shall:

(i) stop the sale of the raw milk product named in the cease and desist order; and

(ii) notify persons who purchased raw milk products from the implicated contaminated batch of the cease and desist order.

(d) The department shall collect a sample within two working days of issuing a cease and desist order for the purpose of submitting the sample to a laboratory for:

(i) testing for pathogens; and

(ii) if the department wants to publicly disclose a producer's name or identifying information under Subsection (11)(g), whole genome sequencing testing.

(e) The time between the department collecting the sample under Subsection (11)(d) and the department notifying the producer of whole genome sequencing test results may not exceed 15 working days unless before the 15-working day period expires the department notifies the producer in writing that the department requires additional time to notify the producer of the whole genome sequencing test results.

(f)

(i) Upon the producer's request and the producer being liable for the costs of the second laboratory, the department shall have the sample collected under Subsection (11)(d) analyzed by two laboratories.

(ii) The producer shall select the second laboratory from a list of laboratories approved by the department.

(g) Before publicly disclosing a producer's name or identifying information, the department shall notify the producer that the department has linked the producer to a foodborne illness outbreak with a positive whole genome sequencing test.

(h)

(i) A cease and desist order shall remain in effect until the department:

(A) verifies that the producer who is subject to the cease and desist order adheres to this section and has three consecutive tests of the raw milk product that show that the raw milk product meets the standards described in Subsections (2)(g) and (h) and is free of the pathogens listed in Subsections (2)(g) and (h); or

(B) receives a genome sequencing test result that demonstrates that the producer's raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order.

(ii) The department shall notify a producer who is subject to a cease and desist order that the cease and desist order is not in effect within one working day of the conditions of Subsection (11)(h)(i) being met.

(iii) For purposes of a test described in Subsection (11)(h)(i)(A), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.

(12)

(a) If the Department of Health and Human Services or the department links a producer's raw milk product to a foodborne illness outbreak and the department finds that the producer has violated this section, the department may impose upon the producer the following administrative penalties:

(i) upon the first violation, a penalty of no more than $300;

(ii) upon a second violation, a penalty of no more than $750; and

(iii) upon a third or subsequent violation a penalty of no more than $1,500.

(b) The department may impose the penalties described in Subsection (12)(a) in addition to:

(i) issuing a cease and desist order under Subsection (11); or

(ii) suspending a permit under Subsection (8).

Amended by Chapter 58, 2025 General Session

Chapter 4
Eggs

4-4-101 Title.

This chapter is known as "Eggs."

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-102 Department to establish egg grades and standards -- Authority to make and enforce rules.

(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.

Amended by Chapter 528, 2023 General Session

4-4-103 Definitions.

As used in this chapter:
(1) "Addled" or "white rot" means putrid or rotten.
(2) "Adherent yolk" means the yolk has settled to one side and become fastened to the shell.
(3) "Albumen" means the white of an egg.
(4) "Black rot" means the egg 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.
(6) "Blood ring" means bacteria have developed to such an extent 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) "End consumer" means a household consumer, restaurant, institution, or any other person who has purchased or received shell eggs for consumption.
(9) "Moldy" means mold spores have formed within the shell.
(10) "Shell egg" means an egg in the shell as distinguished from a dried or powdered egg.
(11) "Small producer" means a producer of shell eggs:
(a) having less than 3,000 layers; and
(b) who is exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and Transportation of Shell Eggs.
(12) "Wholesale" means, with respect to the sale of an egg by an egg producer, the transfer for sale or sale of an egg to a person other than the end consumer, including a retailer or an industrial or business purchaser.

Amended by Chapter 90, 2024 General Session

4-4-104 Unlawful acts specified.
(1) It is unlawful for any person to sell, offer, or expose for sale for human consumption any egg:
(a) that is addled or moldy or that contains black spot, black rot, white rot, blood ring, adherent yolk, or a bloody or green albumen; or
(b) without a sign or label that conforms to the standards for display and grade adopted by the department.
(2) For the purpose of bulk wholesale, it is unlawful for a small producer to commingle or combine eggs from a source other than the small producer's operation.
(3) Nothing in this section prohibits the sale of a denatured egg.

Amended by Chapter 90, 2024 General Session

4-4-105 Maintenance of candling records -- Inspection of records.
(1) A person who sells, offers, or exposes eggs for sale or exchange shall maintain candling records as prescribed by the department.
(2) All candling records shall be open for examination by accredited inspectors or representatives of the department at reasonable times.

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-106 Retailers exempt from prosecution -- Conditions for exemption.
(1) Subject to Subsection (2), no retailer is subject to prosecution under this chapter if the retailer can establish that:

(a) at the time an egg was purchased the seller guaranteed that the egg conformed to the grade, quality, size, and weight stated in the purchase invoice; and
(b) the egg was labeled for sale by the retailer in accordance with the purchase invoice.
(2) The guaranty by the seller described in Subsection (1)(a) does not exempt a retailer from prosecution if the egg covered by the guaranty deteriorated to a lower grade or standard through some action or inaction of the retailer.

Renumbered and Amended by Chapter 345, 2017 General Session

4-4-107 Exemptions from regulation.
(1) Except as provided in this section, a small producer and the shell eggs produced by a small producer are exempt from regulation by the department.
(2) The Department of Health and Human Services has the authority to investigate foodborne illness.
(3) The department may assist, consult, or inspect shell eggs and a small producer's operation when requested by a small producer.
(4) Nothing in this section affects the authority of the Department of Health and Human Services or the department to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing regulation, or inspection under this section.
(5) The Department of Health and Human Services, or a local health department, may not prevent the sale of shell eggs from a small producer to an end consumer unless the Department of Health and Human Services, or the county health department, establishes that the shell eggs:
(a) are addled or moldy; or
(b) contain:
(i) black spot;
(ii) black rot;
(iii) white rot;
(iv) blood ring;
(v) adherent yolk; or
(vi) a bloody or green albumen.
(6) A small producer that sells eggs wholesale shall notify the department about the small egg producer's operation, including:
(a) the operator's name;
(b) the operator's contact information;
(c) the species of egg products offered for sale; and
(d) other information required by department rule regarding notification.
(7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) govern the temperature, cleaning, and sanitization of shell eggs under this chapter that are sold by a small producer to a restaurant or wholesale;
(b) establish notification requirements in accordance with Subsection (6); and
(c) establish inspection requirements for small producers that request an inspection under Subsection (3).
(8) Eggs sold by a small producer in accordance with this chapter are exempt from the restricted egg tolerances for United States Consumer Grade B as specified in the United States Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 et seq., administered by the Agricultural Marketing Service of United States Agriculture Department.

Amended by Chapter 90, 2024 General Session

4-4-108 Packaging for small producer -- Display in grocery store.

(1) A small producer shall package the small producer's eggs in clean packaging that bears a label with the following information:
  (a) the common name of the food, "eggs";
  (b) the quantity or number of eggs;
  (c) the name and address of the small producer;
  (d) the statement "Keep Refrigerated"; and
  (e) the statement "SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly."

(2)
  (a) A small producer shall label the small producer's eggs that are sold in a grocery store with a statement that the eggs:
    (i) are exempt from 21 C.F.R. Chapter 1, Part 118, Production, Storage, and Transportation of Shell Eggs; and
    (ii) are not from an inspected source.
  (b) The requirements described in Subsection (2)(a) are in addition to the labeling requirements described in Subsection (1).

(3)
  (a) A small producer may state a "pull date" or "best by" date.
  (b) The "pull date" or "best by" date may be hand written on the end of the packaging or in a conspicuous location that is clearly discernible.
  (c) A "pull date" or "best by" date shall first show the month then the day of the month.
  (d) A recommended "pull date" or "best by" date is 30 days after production, but the date may not exceed 45 days after production.

(4) If the eggs of a small producer are ungraded and not weighed, the packaging for the eggs may not be labeled with a grade or size.

(5) Any egg produced by a small egg producer and sold in a grocery store shall be displayed separately in the grocery store from eggs not from a small producer.

Amended by Chapter 90, 2024 General Session

Chapter 4a
Confinement of Egg-laying Hens

4-4a-101 Title.

This chapter is known as "Confinement of Egg-Laying Hens."

Enacted by Chapter 323, 2021 General Session

4-4a-102 Definitions.

As used in this chapter:

(1)
  (a) "Cage-free housing system" means an indoor or outdoor controlled environment for egg-laying hens where:

(i) for an indoor environment, the egg-laying hens are free to roam unrestricted except by the following:
(A) exterior walls; or
(B) interior fencing used to contain the entire egg-laying hen flock within the building or subdivide flocks into smaller groups if farm employees can walk through each contained or subdivided area to provide care to egg-laying hens and if each egg-laying hen has at least the amount of usable floor space per hen required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing;
(ii) egg-laying hens are provided enrichments that allow them to exhibit natural behaviors including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas; and
(iii) farm employees can provide care while standing within the egg-laying hens' usable floor space.

(b) "Cage-free housing system" includes, to the extent the system is a system described in Subsection (1)(a) and is not excluded by Subsection (1)(c), a multi-tiered aviary, partially slatted system, single-level all-litter floor system, and any future system that is a system described in Subsection (1)(a) and is not excluded by Subsection (1)(c).

(c) "Cage-free housing system" does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages, or similar cage systems.

(2) "Egg-laying hen" means a female domesticated chicken kept for the purpose of commercial egg production.

(3) "Enclosure" means a structure used to confine an egg-laying hen.

(4)

(a) "Farm" means the land, buildings, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food.

(b) "Farm" does not include live animal markets or official plants at which mandatory inspection is maintained under the federal Egg Products Inspection Act, 21 U.S.C. Sec. 1031 et seq.

(5) "Farm owner or operator" means a person that owns a controlling interest in a farm or controls the operations of a farm.

(6) "Multi-tiered aviary" means a cage-free housing system where egg-laying hens have unfettered access to multiple elevated flat platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

(7) "Partially slatted system" means a cage-free housing system where egg-laying hens have unfettered access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt below.

(8) "Shell egg" means a whole egg of an egg-laying hen in the egg's shell form, intended for use as human food.

(9) "Single-level all-litter floor system" means a cage-free housing system bedded with litter where egg-laying hens have limited or no access to elevated flat platforms.

(10)

(a) "Usable floor space" means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.

(b) "Usable floor space" includes both ground space and elevated level or nearly level flat platforms upon which hens can roost, but does not include perches or ramps.

Enacted by Chapter 323, 2021 General Session

4-4a-103 Prohibitions.

Beginning on January 1, 2030, a farm owner or operator may not knowingly confine an egg-laying hen in an enclosure:

(1) that is not a cage-free housing system; or

(2) that has less than the amount of usable floor space per hen as required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing.

Amended by Chapter 213, 2024 General Session

4-4a-104 Confinement exemptions.

Section 4-4a-103 does not apply to an egg-laying hen:

(1) used for medical research;

(2) during examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian;

(3) during transportation;

(4) at state or county fair exhibitions, 4-H programs, and similar exhibitions;

(5) during slaughter conducted in accordance with applicable laws, rules, and regulations; or

(6) kept for temporary animal husbandry purposes of no more than six hours in any 24-hour period and no more than 24 hours total in any 30-day period.

Enacted by Chapter 323, 2021 General Session

4-4a-105 De minimis exemptions for shell eggs.

This chapter does not apply to the production of shell eggs in the state by a farm with fewer than 3,000 egg-laying hens.

Enacted by Chapter 323, 2021 General Session

4-4a-106 Enforcement.

(1) The department shall enforce this chapter.

(2) A person subject to this chapter shall allow the department access during regular business hours to facilities and records pertinent to activities subject to this chapter.

(3) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the inspection of farms to ensure compliance with this chapter.

(4)

(a) The department may use an inspection provider or process verification provider to ensure compliance with this chapter.

(b) To rely on an inspection provider or process verification provider, the department must approve the specific inspection provider or process verification provider as competent to ensure compliance with this chapter.

(5)

(a) If the department determines that a person subject to this chapter is in violation of a provision of this chapter or a rule adopted under this chapter, the department shall provide the person with a written notice that:

(i) describes each violation identified by the department; and

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

(b) If a person who receives a notice issued under Subsection (5)(a) does not cure a violation identified in the notice before the deadline stated in the notice, the department may impose a civil fine of $100 per written notice, regardless of the number of violations identified in the notice.
(c) If a violation is not cured after the department provides a person with written notice of the violation and a reasonable opportunity to cure, the department may seek a temporary restraining order or permanent injunction to prevent further violation of this chapter.

Enacted by Chapter 323, 2021 General Session

4-4a-107 Report.
(1) The department shall provide a report on this chapter to the Business and Labor Interim Committee at an interim meeting in 2027 that occurs before October 31.
(2) The report described in Subsection (1) shall include an update on:
(a) the progress by farm owners and operators to comply with Section 4-4a-103; and
(b) the retail demand for and conditions related to the sale of cage-free eggs.

Amended by Chapter 213, 2024 General Session

Chapter 5
Utah Wholesome Food Act

Part 1
Administration

4-5-101 Title.
This chapter is known as the "Utah Wholesome Food Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-102 Definitions.
As used in this chapter:
(1) "Advertisement" means a representation, other than by labeling, made to induce the purchase of food.
(2)
(a) "Color additive":
(i) means a dye, pigment, or other substance not exempted under the federal act that, when added or applied to a food, is capable of imparting color; and
(ii) includes black, white, and intermediate grays.
(b) "Color additive" does not include a pesticide chemical, soil or plant nutrient, or other agricultural chemical that imparts color solely because of the chemical's effect, before or after harvest, in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of any plant life.
(3)
(a) "Consumer commodity" means a food, as defined by this chapter, or by the federal act.
(b) "Consumer commodity" does not include:

(i) a commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Sec. 136 et seq.;
(ii) a commodity subject to Chapter 16, Utah Seed Act;
(iii) a meat or meat product subject to the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
(iv) a poultry or poultry product subject to the Poultry Inspection Act, 21 U.S.C. Sec. 451 et seq.;
(v) a tobacco or tobacco product; or
(vi) a beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.

(4) "Contaminated" means not securely protected from dust, dirt, or foreign or injurious agents.

(5)
(a) "Cultivated meat product" means a meat, as defined in Section 4-32-105, or another food or food product that is:
(i) produced by cultivating or culturing an animal cell in vitro; and
(ii) used for human consumption.
(b) "Cultivated meat product" includes poultry, fish, and other livestock, as defined in Section 4-7-103, that meets the requirements of Subsection (5)(a).

(6)
(a) "Farm" means an agricultural operation, under management by one entity, that grows or harvests crops.
(b) "Farm" does not include an entity that is exempt under 21 C.F.R. 112.4(a) or 21 C.F.R. 112.5.

(7) "Farmers market" means a market where a producer of a food product sells only a fresh, raw, whole, unprocessed, and unprepared food item directly to the final consumer.

(8) "Federal act" means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

(9) "Food" means:
(a) an article used for food or drink for human or animal consumption or the components of the article;
(b) chewing gum or chewing gum components; or
(c) a food supplement for special dietary use that is necessitated because of a physical, physiological, pathological, or other condition.

(10)
(a) "Food additive" means a substance, the intended use of which results in the substance becoming a component, or otherwise affecting the characteristics, of a food.
(b)
(i) "Food additive" includes a substance or source of radiation intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.
(ii) "Food additive" does not include:
(A) a pesticide chemical in or on a raw agricultural commodity;
(B) a pesticide chemical that is intended for use or is used in the production, storage, or transportation of a raw agricultural commodity; or
(C) a substance used in accordance with a sanction or approval granted pursuant to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq. or the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.

(11)
(a) "Food establishment" means a grocery store, bakery, candy factory, food processor, bottling plant, sugar factory, cannery, farm, rabbit processor, meat processor, flour mill, cold or

dry warehouse storage, or other facility where food products are manufactured, canned, processed, packaged, stored, transported, prepared, sold, or offered for sale.

(b) "Food establishment" does not include:

(i) a dairy farm, a dairy plant, or a meat establishment, that is subject to the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq., or the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;

(ii) a farmers market; or

(iii) a food service establishment, as that term is defined in Section 26B-7-401.

(12) "Label" means a written, printed, or graphic display on the immediate container of an article of food.

(13) "Labeling" means a label and other written, printed, or graphic display:

(a) on an article of food or the article of food's container or wrapper; or

(b) accompanying the article of food.

(14) "Official compendium" means the official documents or supplements to the:

(a) United States Pharmacopoeia;

(b) National Formulary; or

(c) Homeopathic Pharmacopoeia of the United States.

(15)

(a) "Package" means a container or wrapping in which a consumer commodity is enclosed for use in the delivery or display of the consumer commodity to retail purchasers.

(b) "Package" does not include:

(i) a package liner;

(ii) a shipping container or wrapping used solely for the transportation of a consumer commodity in bulk or in quantity to a manufacturer, packer, processor, or wholesale or retail distributor; or

(iii) a shipping container or outer wrapping used by a retailer to ship or deliver a consumer commodity to a retail customer, if the container and wrapping bear no printed information relating to the consumer commodity.

(16)

(a) "Pesticide" means a substance intended:

(i) to prevent, destroy, repel, or mitigate a pest, as defined under Section 4-14-102; or

(ii) for use as a plant regulator, defoliant, or desiccant.

(b) "Pesticide" does not include:

(i) a new animal drug, as defined by 21 U.S.C. Sec. 321, that has been determined by the United States Secretary of Health and Human Services not to be a new animal drug by federal regulation establishing conditions of use of the drug; or

(ii) animal feed, as defined by 21 U.S.C. Sec. 321, bearing or containing a new animal drug.

(17) "Plant or insect based meat substitute" means a food or food product that:

(a) is plant or insect based;

(b) approximates the aesthetic qualities, primarily texture, flavor, and appearance, or the chemical characteristics of a type of meat, as defined in Section 4-32-105, including fish; and

(c) does not include the flesh, offal, or other by-product of any part of the carcass of a live animal that has been slaughtered.

(18) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(19) "Produce" means a food that is a:

(a) fruit, vegetable, mix of intact fruits and vegetables, mushroom, sprout from any seed source, peanut, tree nut, or herb; and
(b) raw agricultural commodity.
(20) "Raw agricultural commodity" means a food in the food's raw or natural state, including all fruits that are washed, colored, or otherwise treated in the fruit's unpeeled, natural form before marketing.
(21) "Registration" means the commissioner's issuance of a certificate to a qualified food establishment.
(22) "Sprout" means the shoot of a plant generally harvested when cotyledons are undeveloped or underdeveloped and mature leaves have not emerged.

Amended by Chapter 79, 2025 General Session

4-5-103 Adulterated food specified.
(1) A food is adulterated:
(a) if the food bears or contains a poisonous or deleterious substance in a quantity that may ordinarily render the food injurious to health;
(b) if the food bears or contains an added poisonous or added deleterious substance that is unsafe within the meaning of Subsection 4-5-204(1);
(c) except as provided in Subsection (3), if the food:
(i) is a raw agricultural commodity; and
(ii) bears or contains a pesticide chemical that is unsafe within the meaning of 21 U.S.C. Sec. 346a;
(d) if the food is, bears, or contains a food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;
(e) if the food consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance;
(f) if the food is otherwise unfit for food;
(g) if the food has been produced, prepared, packed, or held under unsanitary conditions whereby the food may have:
(i) become contaminated with filth; or
(ii) been rendered diseased, unwholesome, or injurious to health;
(h) if the food is, in whole or in part, the product of:
(i) a diseased animal;
(ii) an animal that has died other than by slaughter; or
(iii) an animal that has fed upon the uncooked offal from a slaughterhouse;
(i) if the food's container is composed, in whole or in part, of a poisonous or deleterious substance that may render the contents injurious to health;
(j) if the food is intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption in effect pursuant to Section 4-5-204, or 21 U.S.C. Sec. 348;
(k) if the food:
(i) is a meat or meat product; and
(ii)
(A) is in a casing, package, or wrapper:
(I) through which a part of the casing, package, or wrapper's contents can be seen; and
(II) that is colored or has markings that are colored, so as to be misleading or deceptive with respect to the color, quality, or kind of food to which the color is applied; or

(B) contains or bears a color additive;
(l) if the food is produce and is in violation of 21 C.F.R. Part 112;
(m) if a valuable constituent is, in whole or in part, omitted or abstracted from a product and a substance is substituted wholly or in part;
(n) if damage or inferiority is concealed;
(o) if a substance is added, mixed, or packed with a product so as to:
(i) increase the product's bulk or weight;
(ii) reduce the product's quality or strength; or
(iii) make the product appear better or of greater value; or
(p) if the food:
(i) is confectionery; and
(ii)
(A) has partially or completely imbedded in the food a nonnutritive object, unless the department determines that the nonnutritive object:
(I) is of practical functional value to the confectionery product; and
(II) would not render the product injurious or hazardous to health;
(B) bears or contains alcohol, other than alcohol derived solely from the use of flavoring extracts, that does not exceed .05% by volume; or
(C) bears or contains a nonnutritive substance, unless:
(I) the nonnutritive substance is a safe nonnutritive substance that is in or on the confectionery for a practical functional purpose in the manufacture, packaging, or storing of the confectionery; and
(II) the use of the nonnutritive substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of this chapter.
(2) The department may, for the purpose of avoiding or resolving uncertainty as to the application of Subsection (1)(p)(ii)(C), issue rules allowing or prohibiting the use of a particular nonnutritive substance.
(3) Notwithstanding Section 4-5-204, the residue of a pesticide chemical remaining in or on a processed food is not considered unsafe if:
(a) the pesticide chemical is used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under 21 U.S.C. Sec. 346a;
(b) the residue of the pesticide chemical in or on the raw agricultural commodity is removed to the extent possible in good manufacturing practice;
(c) the raw agricultural commodity is subjected to processing such as canning, cooking, freezing, dehydrating, or milling; and
(d) the concentration of the residue in the processed food when ready to eat is no greater than the tolerance prescribed for the raw agricultural commodity.

Amended by Chapter 311, 2020 General Session

4-5-104 Authority to make and enforce rules.
(1) The department may adopt rules to efficiently enforce this chapter, and if practicable, adopt rules that conform to the regulations adopted under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
(2) The department or an officer, agent, or employee designated by the department shall conduct a hearing authorized or required by this chapter.
(3)

(a) Except as provided by Subsection (3)(b), pesticide chemical regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the pesticide chemical regulations in this state.

(b) The department may adopt a rule that prescribes tolerance for pesticides in finished foods in this state whether or not in accordance with regulations made under the federal act.

(4)

(a) Except as provided by Subsection (4)(b), food additive regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the food additive regulations in this state.

(b) The department may adopt a rule that prescribes conditions under which a food additive may be used in this state whether or not in accordance with regulations made under the federal act.

(5) Color additive regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the color additive rules in this state.

(6)

(a) Except as provided by Subsection (6)(b), special dietary use regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the special dietary use rules in this state.

(b) The department may, if the department finds it necessary to inform purchasers of the value of a food for special dietary use, prescribe special dietary use rules whether or not in accordance with regulations made under the federal act.

(7)

(a) Except as provided by Subsection (7)(b), regulations adopted under the Fair Packaging and Labeling Act, 15 U.S.C. Sec. 1453 et seq., shall be the rules in this state.

(b) Except as provided by Subsection (7)(c), the department may, if the department finds it necessary in the interest of consumers, prescribe package and labeling rules for consumer commodities, whether or not in accordance with regulations made under the federal act.

(c) The department may not adopt rules that are contrary to the labeling requirements for the net quantity of contents required according to 15 U.S.C. Sec. 1453(a)(4).

(8)

(a) Except as provided by Subsection (8)(b), the preventive control for human food regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the preventive controls for the state.

(b) The department may adopt a rule that prescribes preventive controls in this state whether or not in accordance with regulations made under the federal act except that the rule may not be more stringent than the federal law.

(9)

(a) Except as provided by Subsection (9)(b), the standards for the growing, harvesting, packaging, and holding of produce for human consumption regulations adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the standards for the state.

(b) The department may adopt a rule that prescribes standards for the growing, harvesting, packaging, and holding of produce for human consumption in this state whether or not in accordance with regulations made under the federal act except that the rule may not be more stringent than the federal law.

(10)

(a) A federal regulation automatically adopted according to this chapter takes effect in this state on the date the federal regulation becomes effective as a federal regulation.

(b) The department shall publish all other proposed rules in publications prescribed by the department.

(c)

(i) A person who may be adversely affected by a rule may, within 30 days after a federal regulation is automatically adopted, or within 30 days after publication of any other rule, file with the department, in writing, objections and a request for a hearing.

(ii) The timely filing of substantial objections to a federal regulation automatically adopted stays the effect of the rule.

(d)

(i) If no substantial objections are received and no hearing is requested within 30 days after publication of a proposed rule, it shall take effect on a date set by the department.

(ii) The effective date shall be at least 60 days after the time for filing objections has expired.

(e)

(i) If timely substantial objections are made to a federal regulation within 30 days after the federal regulation is automatically adopted or to a proposed rule within 30 days after the proposed rule is published, the department, after notice, shall conduct a public hearing to receive evidence on the issues raised by the objections.

(ii) An interested person or the person's representative may be heard.

(f)

(i) The department shall act upon objections by order and shall mail the order to objectors by certified mail as soon after the hearing as practicable.

(ii) The order shall be based on substantial evidence in the record of the hearing.

(g)

(i) If the order concerns a proposed rule, the department may withdraw the proposed rule or set an effective date for the rule as published or as modified by the order.

(ii) The effective date shall be at least 60 days after publication of the order.

(11) Whenever a regulation is made under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., establishing standards for food, the tolerances established by the department under this chapter shall immediately conform to the standards established by the Federal Food and Drug Administration as herein provided and shall remain the same until the department determines that for reasons peculiar to Utah a different rule should apply.

Amended by Chapter 311, 2020 General Session
Amended by Chapter 354, 2020 General Session

4-5-105 Inspection of premises and records -- Authority to take samples -- Inspection results reported.

(1) An authorized agent of the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, may:

(a) enter at reasonable times a factory, farm, warehouse, or establishment in which food is manufactured, processed, packed, or held for introduction into commerce or after introduction into commerce;

(b) enter a vehicle being used to transport or hold food in commerce;

(c) inspect at reasonable times and within reasonable limits and in a reasonable manner a factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling located within the factory, warehouse, establishment, or vehicle;

(d) obtain samples necessary for the enforcement of this chapter if the department:

(i) pays the posted price for the sample if requested to do so; and
(ii) receives a signed receipt from the person from whom the sample is taken; and
(e) have access to and copy all records of carriers in commerce showing:
(i) the movement in commerce of food;
(ii) the holding of food during or after movement in commerce; and
(iii) the quantity, shipper, and consignee of food.
(2) Evidence obtained under this section may not be used in a criminal prosecution of the person from whom the evidence was obtained.
(3) A carrier is subject to the other provisions of this chapter by reason of the carrier's receipt, carriage, holding, or delivery of food in the usual course of business as a carrier.
(4) After the inspection of a factory, warehouse, consulting laboratory, or other establishment and before leaving the premises, the authorized agent making the inspection shall give the owner, operator, or agent in charge a written report describing any conditions or practices observed by the agent during the inspection which, in the agent's judgment, indicate that a food in the establishment:
(a) consists in whole or in part of a filthy, putrid, or decomposed substance; or
(b) has been prepared, packed, or held under unsanitary conditions whereby the food may have become contaminated with filth or been rendered injurious to health.
(5) A copy of the report required under Subsection (4) shall be sent promptly to the department.
(6) If the authorized agent making the inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, the agent shall give to the owner, operator, or agent in charge:
(a) a receipt describing the samples obtained; and
(b) if an analysis is made of the sample for the purpose of ascertaining whether the food consists in whole or in part of a filthy, putrid, or decomposed substance or is otherwise unfit for food, a copy of the results of the analysis.

Amended by Chapter 32, 2019 General Session

4-5-106 Publication of reports and information.
(1) The department shall publish reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charge and its disposition.
(2) The department shall disseminate information regarding food which it considers necessary in the interest of public health and for the protection of consumers against fraud.
(3) Nothing in this section prohibits the department from collecting, reporting, and illustrating the results of investigations made by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-107 Food containing vaccine.
(1) As used in this section, "vaccine or vaccine material" means a substance that is:
(a) intended for use in humans to stimulate the production of antibodies and provide immunity against disease;
(b) prepared from the causative agent of a disease, the disease's products, or a synthetic substitute treated to act as an antigen without including the disease; and
(c) authorized or approved by the United States Food and Drug Administration.

(2) A food intended for human consumption that intentionally contains a vaccine or vaccine material is considered a drug for purposes of this chapter, Section 26B-7-108, and Title 58, Chapter 37, Utah Controlled Substances Act.

Enacted by Chapter 396, 2025 General Session

Part 2
Labels and Regulations

4-5-201 Labeling requirements -- Misbranded food specified.

(1) The department may require that a label contain specific written, printed, or graphic information which is:
  (a) displayed on the outside container or wrapper of a retail package of an article; or
  (b) easily legible through the outside container or wrapper.

(2) Food is misbranded if:
  (a) its label is false or misleading in any way;
  (b) its labeling or packaging fails to conform with the requirements of Section 4-5-205;
  (c) it is offered for sale under the name of another food;
  (d) its container is so made, formed, or filled with packing material or air as to be misleading; or
  (e) it fails to conform with any requirement specified in this section.

(3)
  (a) A food that is an imitation of another food shall bear a label, in type of uniform size and prominence, stating the word "imitation," and, immediately thereafter, the name of the food imitated.
  (b) If the state allows a cultivated meat product to be manufactured, sold, held or offered for sale, or distributed, a food that contains the cultivated meat product shall bear a term or phrase on a label in a place on the packaging that is reasonably certain to notify a consumer that the food contains a cultivated meat product.
  (c) A food that contains a plant or insect based meat substitute:
    (i) is not subject to Subsection (3)(a); and
    (ii) shall bear a term or phrase on a label in a place on the packaging that is reasonably certain to notify a consumer that the food contains a plant or insect based meat substitute.
  (d) The department shall interpret and enforce this Subsection (3) in a manner consistent with applicable federal statute and regulations.
  (e) The department may not enforce the requirements of Subsections (3)(b) and (c) on or before October 31, 2025.

(4)
  (a) A food in package form shall bear a label containing:
    (i) the name and place of business of the manufacturer, packer, or distributor; and
    (ii) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.
  (b) The statement required by Subsection (4)(a)(ii) shall be separately and accurately stated in a uniform location upon the principal display panel of the label unless reasonable variations and exemptions for small packages are established by a rule made by the department.

(c) A manufacturer or distributor of carbonated beverages who utilizes proprietary stock or a proprietary crown is exempt from Subsection (4)(a)(i) if the manufacturer or distributor files with the department:
(i) a sworn affidavit giving a full and complete description of each area within the state in which beverages of the manufacturer's or distributor's manufacturing or distributing are to be distributed; and
(ii) the name and address of the person responsible for compliance with this chapter within each of those areas.
(5) Any word, statement, or other information required by this chapter to appear on the label or labeling shall be:
(a) prominently placed on the label;
(b) conspicuous in comparison with other words, statements, designs, or devices in the labeling; and
(c) in terms which render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(6) If a food is represented as a food for which a definition and standard of identity has been prescribed by federal regulations or department rules as provided by Section 4-5-207, it shall:
(a) conform to the definition and standard; and
(b) have a label bearing:
(i) the name of the food specified in the definition and standard; and
(ii) insofar as may be required by the rules, the common names of optional ingredients, other than spices, flavorings, and colorings, present in the food.
(7) If a food is represented as a food for which a standard of quality has been prescribed by federal regulations or department rules as provided by Section 4-5-207, and its quality falls below the standard, its label shall bear, in the manner and form as the regulations or rules specify, a statement indicating that it falls below the standards.
(8) If a food is represented as a food for which a standard of fill of container has been prescribed by federal regulations or department rules as provided by Section 4-5-207, and it falls below the applicable standard of fill, its label shall bear, in the manner and form as the regulations or rules specify, a statement indicating that it falls below the standard.
(9)
(a) Any food for which neither a definition nor standard of identity has been prescribed by federal regulations or department rules as provided by Section 4-5-207 shall bear labeling clearly giving:
(i) the common or usual name of the food, if any; and
(ii) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each.
(b) To the extent that compliance with the requirements of Subsection (9)(a)(ii) is impractical or results in deception or unfair competition, exemptions shall be established by rules made by the department.
(10) If a food is represented as a food for special dietary uses, its label shall bear the information concerning its vitamin, mineral, and other dietary properties as the department by rule prescribes.
(11)
(a) If a food bears or contains any artificial flavoring, artificial coloring, or chemical preservatives, its label shall state that fact.

(b) If compliance with the requirements of Subsection (11)(a) is impracticable, exemptions shall be established by rules made by the department.

(12)

(a) The shipping container of any raw agricultural commodity bearing or containing a pesticide chemical applied after harvest shall bear labeling which declares the presence of the chemical in or on the commodity and the common or usual name and function of the chemical.

(b) The declaration is not required while the commodity, having been removed from the shipping container, is being held or displaced for sale at retail out of the container in accordance with the custom of the trade.

(13) A product intended as an ingredient of another food, when used according to the directions of the purveyor, may not result in the final food product being adulterated or misbranded.

(14) The packaging and labeling of a color additive shall be in conformity with the packaging and labeling requirements applicable to the color additive prescribed under the federal act.

(15)

(a) Subsections (6), (9), and (11) with respect to artificial coloring do not apply to butter, cheese, or ice cream.

(b) Subsection (11) with respect to chemical preservatives does not apply to a pesticide chemical when used in or on a raw agricultural commodity.

Amended by Chapter 79, 2025 General Session

4-5-202 Adulterated or misbranded articles -- Tagging -- Detention or embargo -- Court proceedings for condemnation -- Perishable food.

(1)

(a) When an authorized agent of the department finds or has probable cause to believe that any food is adulterated, or so misbranded as to be dangerous or fraudulent within the meaning of this chapter, the agents shall affix to the food a tag or other appropriate marking, giving notice that:

(i) the food is, or is suspected of being, adulterated or misbranded;

(ii) the food has been detained or embargoed; and

(iii) removal of the food is prohibited as provided in Subsection (1)(b).

(b) No person may remove or dispose of detained or embargoed food by sale or otherwise until permission for removal or disposal is given by an agent of the department or the court.

(2)

(a) When food detained or embargoed under Subsection (1) has been found by an agent to be adulterated or misbranded, the department shall petition the district court in whose jurisdiction the food is detained or embargoed for an order of condemnation of the food.

(b) When the agent has found that food so detained or embargoed is not adulterated or misbranded, the department shall remove the tag or other marking.

(3)

(a) If the court finds that detained or embargoed food is adulterated or misbranded, the food shall, after entry of the decree, be destroyed under the supervision of the agent.

(b) If the adulteration or misbranding can be corrected by proper labeling or processing of the food, the court may by order direct that the food be delivered to the claimant for labeling or processing after:

(i) entry of the decree;

(ii) all costs, fees, and expenses have been paid; and

(iii) a sufficient bond, conditioned that the food shall be properly labeled and processed, has been executed.

(c) An agent of the department shall supervise, at the claimant's expense, the labeling or processing of the food.

(d) The bond shall be returned to the claimant of the food upon:

(i) representation to the court by the department that the food is no longer in violation of this chapter; and

(ii) the expenses of supervision have been paid.

(4) If an authorized agent of the department finds in any building or vehicle any perishable food which is unsound, contains any filthy, decomposed, or putrid substance, or may be poisonous, deleterious to health, or otherwise unsafe, the commissioner or his authorized agent shall condemn or destroy the food or render it unsalable as human food.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-203 Food processed, labeled, or repacked at another location -- Exemption from labeling requirements by rule.

(1) The department shall adopt rules exempting food from any labeling requirement of this chapter that is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that the food is not adulterated or misbranded under this chapter upon removal from such processing, labeling or repacking establishment.

(2)

(a) Regulations now or hereafter adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., relating to the exemptions described in Subsection (1) are automatically effective in this state.

(b) The department may adopt additional rules or amendments to existing rules concerning exemptions.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-204 Substances considered unsafe -- Authority in department to regulate quantity and use.

(1)

(a) Any added poisonous or deleterious substance, any food additive, any pesticide chemical in or on a raw agricultural commodity or any color additive, with respect to any particular use or intended use, is considered to be unsafe for the purpose of application of Subsection 4-5-103(1)(b) unless:

(i) there is in effect a rule adopted pursuant to this section or Section 4-5-104 limiting the quantity of the substance; and

(ii) the use or intended use of the substance conforms to the terms prescribed by the rule.

(b) While the rules relating to the substance are in effect, a food may not, by reason of bearing or containing the substance in accordance with the rules, be considered adulterated within the meaning of Subsection 4-5-103(1)(a).

(2) The department may make rules, which may or may not be in accordance with regulations made under the federal act, prescribing:

(a) tolerances, including zero tolerances, for:

(i) added poisonous or deleterious substances;

(ii) food additives;
(iii) pesticide chemicals in or on raw agricultural commodities; or
(iv) color additives;
(b) exemptions from tolerances in the case of pesticide chemicals in or on raw agricultural commodities; or
(c) conditions under which a food additive or a color additive may be safely used and exemptions when a food additive or color additive may be used solely for investigational or experimental purposes.
(3)
(a) The department may make these rules upon its own initiative or upon the petition of any interested party.
(b) It is incumbent upon the petitioner to establish by data submitted to the department that the rule is necessary to protect the public health.
(c) If the data furnished by the petitioner is not sufficient to allow the department to determine whether the rule should be made, the department may require additional data to be submitted.
(d) Failure to comply with the request is sufficient grounds to deny the request.
(4) In making the rules, the department shall consider, among other relevant factors, the following which the petitioner, if any, shall furnish:
(a) the name and all pertinent information concerning the substance including:
(i) where available;
(ii) its chemical identity and composition;
(iii) a statement of the conditions of the proposed use, including directions, recommendations, and suggestions;
(iv) specimens of proposed labeling; and
(v) all relevant data bearing on the physical or other technical effect and the quantity required to produce such effect;
(b) the probable composition of any substance formed in or on a food resulting from the use of the substance;
(c) the probable consumption of the substance in the diet of man and animals, taking into account any chemically or pharmacologically related substance in the diet;
(d) safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of the substances for the uses for which they are proposed to be used, are generally recognized as appropriate for the use of animal experimentation data;
(e) the availability of any needed practicable methods of analysis for determining the identity and quantity of:
(i) the substance in or on food;
(ii) any substance formed in or on food because of the use of the substance; and
(iii) the pure substance and all intermediates and impurities; and
(f) facts supporting a contention that the proposed use of the substance will serve a useful purpose.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-205 Consumer commodities -- Labeling and packaging.

(1) All labels of consumer commodities, as defined by this chapter, shall conform with the requirements for the declaration of net quantity of contents of 15 U.S.C. Sec. 1453 and the

regulations promulgated pursuant thereto: provided, that consumer commodities exempted from 15 U.S.C. Sec. 1453(a)(4) shall also be exempt from this Subsection (1).

(2) The label of any package of a consumer commodity that bears a representation as to the number of servings of the commodity contained in the package shall bear a statement of the net quantity in terms of weight, measure, or numerical count for each serving.

(3)

(a) No person shall distribute or cause to be distributed in commerce any packaged consumer commodity if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents required by Subsection (1), but nothing in this section shall prohibit supplemental statements, at other places on the package, describing in nondeceptive terms the net quantity of contents.

(b) Supplemental statements of net quantity of contents may not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the commodity contained in the package.

(4)

(a) Whenever the department determines that rules other than those prescribed by Subsection (1) are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, the department shall promulgate rules effective to:

(i) establish and define standards for the characterization of the size of a package enclosing any consumer commodity, which may be used to supplement the label statement of net quantity of contents of packages containing the commodity, but this Subsection (4) does not authorize any limitation on the size, shape, weight, dimensions, or number of packages that may be used to enclose any commodity;

(ii) regulate the placement upon any package containing any commodity, or upon any label affixed to a commodity, of any printed matter stating or representing by implication that the commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers by reason of the size of that package or the quantity of its contents;

(iii) require that the label on each package of a consumer commodity bear:

(A) the common or usual name of such consumer commodity, if any; and

(B) if the consumer commodity consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance, but nothing in this Subsection (4) shall be considered to require that any trade secret be divulged; or

(iv) prevent the nonfunctional slack-fill of packages containing consumer commodities.

(b) For the purposes of Subsection (4)(a)(iv), a package is nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than:

(i) protection of the contents of such package; or

(ii) the requirements of machines used for enclosing the contents in such package; provided, that the department may adopt any rules promulgated according to the Fair Packaging and Labeling Act, 15 U.S.C. Sec. 1453.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-206 Food advertisement false or misleading.

An advertisement of a food is considered to be false if it is false or misleading in any way.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-207 Definitions and standards of identity, quality, and fill of container -- Rules -- Temporary and special permits.

(1)

(a) Definitions and standards of identity, quality and fill of container, now or hereafter adopted under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., are the definitions and standards of identity, quality and fill of container in this state.

(b) The department may adopt rules establishing definitions and standards of identity, quality and fill of container for foods where no federal regulations exist and may promulgate amendments to any federal regulations or state rules that set definitions and standards of identity, quality and fill of container for foods.

(2)

(a) Temporary permits granted for interstate shipment of experimental packs of food varying from the requirements of federal definitions and standards of identity are automatically effective in this state under the conditions provided in the permits.

(b) The department may issue additional permits where they are necessary for the completion or conclusiveness of an otherwise adequate investigation and where the interests of consumers are safeguarded.

(c) Permits are subject to the terms and conditions the department may prescribe by rule.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Registration and Inspection

4-5-301 Registration of food establishments -- Fee -- Suspension and reinstatement of registration -- Inspection for compliance.

(1)

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

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

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

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

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

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

(g)

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

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

(h)
(i) The department may, as provided under Subsection 4-2-103(2), charge the food establishment a registration fee.
(ii) The department shall retain the fees as dedicated credits and shall use the fees to administer the registration of food establishments.
(2)
(a) A registration, issued under this section, shall be valid from the date the department issues the registration, to December 31 of the year the registration is issued.
(b) A registration may be renewed for the following year by applying for renewal by December 31 of the year the registration expires.
(3) A registration, issued under this section, shall specify:
(a) the name and address of the food establishment;
(b) the name of the owner or operator of the food establishment; and
(c) the registration issuance and expiration date.
(4)
(a) The department may immediately suspend a registration, issued under this section, if any of the conditions of registration have been violated.
(b)
(i) The holder of a registration suspended under Subsection (4)(a) may apply for the reinstatement of a registration.
(ii) If the department determines that all registration requirements have been met, the department shall reinstate the registration.
(5)
(a) A food establishment, registered under this section, shall allow the department to have access to the food establishment to determine if the food establishment is complying with the registration requirements.
(b) If a food establishment denies access for an inspection required under Subsection (5)(a), the department may suspend the food establishment's registration until the department is allowed access to the food establishment's premises.
(6)
(a) A food establishment shall:
(i) notify the department as part of the registration or renewal process whether the food establishment plans to sell, hold or offer for sale, or distribute a cultivated meat product or a plant or insect based meat substitute;
(ii) permit the department to inspect for compliance with Subsection 4-5-201(3); and
(iii) pay a fee established in accordance with Subsection 4-2-103(2).
(b) The department shall retain the fee as a dedicated credit and shall use the fee to administer Subsection 4-5-201(3).
(c) Pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to address notification, inspection, and payment of fees under this Subsection (6).

Amended by Chapter 79, 2025 General Session

Part 4
Enforcement

4-5-401 Unlawful acts specified.

(1) A person may not:

(a) manufacture, sell, deliver, hold, or offer for sale a food that is adulterated or misbranded;

(b) adulterate or misbrand food;

(c) except as provided in Subsection (2), distribute, in commerce, a consumer commodity inconsistent with the packaging and labeling requirements of this chapter, or the rules made under this chapter;

(d) sell, deliver for sale, hold for sale, or offer for sale an article in violation of Section 4-5-301;

(e) disseminate false advertising;

(f) remove or dispose of detained or embargoed food in violation of Section 4-5-202;

(g) adulterate, mutilate, destroy, obliterate, or remove the food label which results in the food being misbranded or adulterated while the food is for sale;

(h) forge, counterfeit, simulate, or misrepresent a label or information, by the unauthorized use of a mark, stamp, tag, label, or other identification device;

(i) use or reveal a method, process, or information which is protected as a trade secret;

(j) operate a food establishment without a valid registration issued by the department; and

(k) refuse entry to an authorized agent of the department in a food establishment as required under Section 4-5-105.

(2) Subsection (1)(c) does not apply to a person engaged in the wholesale or retail distribution of consumer commodities unless that person:

(a) is engaged in the packaging or labeling of consumer commodities; or

(b) prescribes or specifies the manner in which consumer commodities are packaged or labeled.

Renumbered and Amended by Chapter 345, 2017 General Session

4-5-402 Defenses.

No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination of such false advertisement, unless he has refused, on the request of the department to furnish it, the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the state of Utah who caused him to disseminate such advertisement.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 5
Special Programs

4-5-501 Cottage food operations.

(1) For purposes of this chapter:

(a) "Cottage food operation" means a person who produces a cottage food product in a home kitchen .

(b) "Cottage food product" means a nonpotentially hazardous baked good, jam, jelly, or other nonpotentially hazardous food produced in a home kitchen.

(c) "Home kitchen" means a kitchen:

(i) designed and intended for use by the residents of a home; and

(ii) used by a resident of the home for the production of a cottage food product.
(d) "Potentially hazardous food" means:
(i) a food of animal origin;
(ii) raw seed sprouts; or
(iii) a food that requires time or temperature control, or both, for safety to limit pathogenic microorganism growth or toxin formation, as identified by the department in rule.
(2) The department shall adopt rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to protect public health and ensure a safe food supply.
(3) Rules adopted pursuant to Subsection (2) may not require:
(a) the use of a commercial surface such as a stainless steel counter or cabinet;
(b) the use of a commercial grade:
(i) sink;
(ii) dishwasher; or
(iii) oven;
(c) a separate kitchen for the cottage food operation; or
(d) the submission of plans and specifications before construction of, or remodel of, a cottage food production operation.
(4) The operator of a cottage food operation shall:
(a) register with the department as a cottage food operation before operating as a cottage food operation;
(b) hold a valid food handler's permit; and
(c) package a cottage food product with a label, as specified by the department in rule.
(5) Notwithstanding the provisions of Subsections 4-5-301(1)(a) and (c), the department shall issue a registration to an applicant for a cottage food operation if the applicant for the registration:
(a) pays the fees required by the department; and
(b) meets the requirements of this section.
(6) Notwithstanding the provisions of Section 26A-1-114, a local health department:
(a) does not have jurisdiction to regulate the production of food at a cottage food operation operating in compliance with this section, as long as the products are not offered to the public for consumption on the premises; and
(b) does have jurisdiction to investigate a cottage food operation in an investigation into the cause of a foodborne illness outbreak.
(7) A food service establishment as defined in Section 26B-7-401 may not use a product produced in a cottage food operation as an ingredient in a food that is prepared by the food establishment and offered by the food establishment to the public for consumption.

Amended by Chapter 327, 2023 General Session

4-5-502 Food designated as raw honey.
(1) As used in this section:
(a) "Honey" means the natural sweet substance produced by honeybees from nectar of plants or from secretions of living parts of plants that the bees collect, transform by combining with specific substances of their own, then deposit, dehydrate, store, and leave in the honeycomb to ripen and mature.
(b) "Raw honey" means honey:
(i) as it exists in the beehive or as obtained by extraction, settling, or straining;
(ii) that is minimally processed; and
(iii) that is not pasteurized.

(2) Honey that is produced, packed, repacked, distributed, or sold in this state may only be labeled and designated as raw honey if it meets:
(a) the definition of raw honey in this section; and
(b) any additional requirements imposed by the department by rule.
(3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish labeling requirements consistent with the provisions of this section.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 5a
Home Consumption and Homemade Food Act

4-5a-101 Title.
This chapter is known as the "Home Consumption and Homemade Food Act."

Enacted by Chapter 377, 2018 General Session

4-5a-102 Definitions.
For purposes of this chapter:
(1)
(a) "Commercial establishment" means a wholesale or retail business that displays, sells, manufactures, processes, packs, holds, or stores food, drugs, devices, or cosmetics.
(b) "Commercial establishment" does not include a:
(i) direct-to-sale location; or
(ii) direct-to-sale farmers market.
(2) "Direct-to-sale farmers market" means a public or private facility or area where producers gather on a regular basis to sell directly to an informed final consumer fresh food, locally grown products, and other food items that have not been certified, licensed, regulated, or inspected by state or local authorities.
(3) "Direct-to-sale location" means a farm, ranch, direct-to-sale farmers market, home, office, or any location agreed upon by both a producer and the informed final consumer where a producer sells a food or food product to an informed final consumer.
(4) "Home consumption" means the use or ingestion of homemade food or a homemade food product within a private home by a family member, an employee, or a nonpaying guest.
(5) "Homemade food product" means a food product that is prepared in a private home kitchen that can be used, or prepared for use, as food or nonalcoholic drink, subject to the limitation described in Subsection 4-5a-105(1).
(6) "Informed final consumer" means an individual who:
(a) purchases the product directly from the producer;
(b) does not resell the product; and
(c) has been informed that the product is not certified, licensed, regulated, or inspected by the state.
(7) "Minor-operated business" means a business that is operated by an individual who is:
(a) under 18 years old; and

(b) not regularly engaged in selling items.
(8) "Minor producer" means a producer that is:
(a) an individual; and
(b) under 18 years old.
(9) "Producer" means a person who harvests or produces homemade food or a homemade food product.

Amended by Chapter 362, 2023 General Session

4-5a-103 Regulation of a direct-to-sale farmers market.
(1) Except as provided in Subsection (4), a direct-to-sale farmers market selling homemade food under this chapter shall:
(a) display signage indicating to an informed final consumer that the homemade food and food products sold by producers at the market have not been certified, licensed, regulated, or inspected by state or local authorities; and
(b) only include products for sale that have not been certified, licensed, regulated, or inspected by state or local authorities.
(2) If the direct-to-sale farmers market is in any way associated with a farmers market as defined in Section 4-5-102, the direct-to-sale farmers market section selling homemade food under this chapter shall comply with the following requirements:
(a) the direct-to-sale farmers market section shall be separated from the farmers market section; and
(b) the separate direct-to-sale farmers market section shall include signs or other markings clearly indicating which space is the farmers market space offering inspected items for sale and which space is the direct-to-sale farmers market space offering items that are uninspected.
(3) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the signage described in Subsection (1).
(4) The requirements described in Subsection (1) do not apply to a direct-to-sale farmers market comprising only minor producers or minor-operated businesses.

Amended by Chapter 79, 2025 General Session

4-5a-104 Home producer direct sales -- Exempt from regulation.
(1) A producer is exempt from state, county, or city licensing, permitting, certification, inspection, packaging, and labeling requirements, except as described in this section, related to the preparation, serving, use, consumption, or storage of food and food products if:
(a) the producer complies with the requirements of this chapter; and
(b) the homemade food or homemade food product is:
(i) produced and sold within the state;
(ii) sold directly to an informed final consumer;
(iii) for personal or home consumption; and
(iv) not exempted under Subsection 4-5a-105(1).
(2) Notwithstanding Subsection (1), a producer shall comply with business license requirements pursuant to Section 10-1-203.
(3) Except as provided in Subsection (6), food or food products sold under this section shall be labeled with:
(a) the producer's name and address;

(b) a disclosure statement indicating that the product is:
(i) not for resale; and
(ii) processed and prepared without state or local inspection; and
(c) a statement listing whether the food or food product contains, or was prepared in a location that also handles, common allergens including milk, soy, wheat, eggs, peanuts or tree nuts, fish, or shellfish.
(4)
(a) Except as provided in Subsection (4)(b), homemade food or a homemade food product that is exempt from certain regulations as described in this chapter may not be sold to, or used by, a restaurant or commercial establishment.
(b) A producer may sell a raw, unprocessed fruit or vegetable to a restaurant or commercial establishment.
(5) A producer selling homemade food or homemade food products exempt under this section shall inform the final consumer that the food or food product is not certified, licensed, regulated, or inspected by the state or any county or city.
(6) The requirements described in Subsection (3) do not apply to a direct sale by a home producer comprising only minor producers.

Amended by Chapter 362, 2023 General Session

4-5a-105 Limitations.
(1) This chapter does not apply to the sale of:
(a) raw dairy or raw dairy products; or
(b) meat products, with the following exceptions:
(i) the sale of poultry and poultry products if the producer:
(A) slaughters no more than 1,000 birds per year in accordance with the United States Department of Agriculture 1,000 bird exemption; and
(B) follows the United States Department of Agriculture's, Food Safety and Inspection Service document titled "Guidance for Determining Whether A Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act"; and
(ii) the sale of domesticated rabbit meat, pending approval from the United States Department of Agriculture that the state's role in meat inspection is preserved.
(2) Nothing in this chapter:
(a) means that the department relinquishes its authority to administer the state's program at a standard level at least equal to the standards imposed under the Federal Meat and Poultry Products Inspection Act;
(b) shall be construed to impede the Department of Health in an investigation of foodborne illness;
(c) prohibits a state agency from providing assistance, consulting, or inspecting when requested by a producer; or
(d) affects the authority of the Department of Health or the Department of Agriculture and Food to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing, regulation, or inspection as described in this chapter.
(3) The department may not, by rule, impose an additional limit, requirement, or restriction on a producer selling food or a food product under this chapter.

Enacted by Chapter 377, 2018 General Session

Chapter 7
Livestock Dealers' Act

Part 1
General Provisions

4-7-101 Title.

This chapter is known as the "Livestock Dealers' Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-102 Purpose declaration.

The Legislature finds that the public interest requires regulation of the sale of livestock between the producer and a person who purchases livestock for resale to protect the producer from unwarranted hazard and loss in the sale of livestock.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-103 Definitions.

As used in this chapter:

(1) "Agent" means a person who, on behalf of a dealer, purchaser, or livestock market, as defined in Section 4-30-102, solicits or negotiates the consignment or purchase of livestock.

(2) "Consignor" means a person who ships or delivers livestock to a dealer for handling or sale.

(3)

(a) "Dealer" means a person who:

(i) receives livestock from a person for sale on commission;

(ii) is entrusted with the possession, management, control, or disposal of livestock for the account of that person; or

(iii) negotiates price, determines a delivery date, and receives money on behalf of a livestock producer.

(b) "Dealer" includes:

(i) a livestock dealer; and

(ii) a person who owns or leases a feedlot.

(4)

(a) "Immediate resale" means the resale of livestock within 60 days of purchase.

(b) "Immediate resale" does not include the resale of livestock culled within 60 days that were purchased for feeding or replacement.

(5) "Livestock" means cattle, swine, equines, sheep, camelidae, ratites, bison, goats, and domesticated elk as defined in Section 4-39-102.

(6) "Livestock dealer" means a person engaged in the business of purchasing livestock for immediate resale or interstate shipment for immediate resale.

(7) "Producer" means a person who is primarily engaged in the business of raising livestock for profit.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-104 Unlawful to act as an agent or dealer without license -- Exception.

Except as exempted by Section 4-7-105, no person may act as an agent or dealer in this state without being licensed under this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-105 Exemptions.

The surety and licensing requirements of this chapter do not apply to:

(1) a livestock market that is bonded as required by laws of the United States and Title 4, Chapter 30, Livestock Markets; or

(2) a cooperative incorporated under the laws of this state or another state, except as to the receipt of livestock from a nonmember producer.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-106 Licenses -- Applications.

Application for an agent's or dealer's license shall be made to the department upon forms prescribed and furnished by the department, and the application shall state:

(1) the applicant's name, principal address in this state, and age;

(2) the applicant's principal address in any location outside Utah;

(3) the name and principal address of the person authorized by the applicant to accept service of process in this state on behalf of the applicant during the licensure period;

(4) the name and principal address of the applicant's surety if the application is for a dealer's license;

(5) a schedule of the commissions, fees, and other charges the applicant intends to collect for services during the period of licensure;

(6) the name and address of each principal the applicant intends to represent during the period of licensure; and

(7) any other information that the department may require by rule.

Amended by Chapter 528, 2023 General Session

4-7-107 Issuance of dealer and agent licenses -- Fees -- Deposit of bond or trust agreement -- Renewal -- Refusal to issue or renew license.

(1) The commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue a license to a dealer within 30 days after:

  (a) receipt of a proper application and financial statement;

  (b) payment of a license fee determined by the department pursuant to Subsection 4-2-103(2); and

  (c) the posting of a corporate surety bond, an irrevocable letter of credit, a trust fund agreement, or other security required by Section 4-7-108.

(2) Upon proper application and payment of the license fee determined by the department pursuant to Subsection 4-2-103(2), the commissioner shall issue a license to conduct business as an agent.

(3) A license issued under this chapter:

(a) entitles the applicant to conduct the business described in the application through December 31 of the year in which the license is issued, subject to suspension or revocation for cause; and
(b) is renewable for a period of one year upon:
(i) receipt of a proper renewal application; and
(ii) payment of an annual license renewal fee determined by the department pursuant to Subsection 4-2-103(2).
(4) A license issued under this chapter shall at all times remain the property of the state, and the licensee is entitled to the license only for the duration of the license.
(5) The department shall refuse to issue or renew a license if the applicant:
(a) cannot produce a financial statement with sufficient assets to justify the amount of business the applicant contemplates, unless the application is for an agent's license;
(b) is in violation of this chapter or rules adopted under this chapter;
(c) has made a false or misleading statement as to the health or physical condition of livestock in connection with the buying, receiving, selling, exchanging, soliciting or negotiating the sale of, or the weighing of livestock;
(d) has failed to keep records of purchases and sales or refused to grant inspection of those records by authorized agents of the department;
(e) has failed to comply with a lawful order of the department;
(f) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with the livestock transaction;
(g) has been suspended by order of the secretary of agriculture of the United States Department of Agriculture under provisions of the Packers and Stockyards Act, 1921, 7 U.S.C. Sec. 181 et seq.;
(h) employs a person required to be licensed whose license cannot be renewed or whose license is under suspension or revocation by the department or the United States Department of Agriculture; or
(i) has any unsatisfied civil judgments related to an activity for which licensing is required by this chapter.
(6) An applicant who has been refused a license or license renewal may not apply again for one year following refusal unless the department determines that the applicant is in compliance with this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-108 Applicant for dealer's license to post security -- Increase in amount of security posted -- Action on security authorized -- Duties of commissioner -- Option to require posting new security if action filed -- Effect of failure to post new security -- Commissioner's authority to call bond if not renewed.

(1)
(a) Before a license is issued to a dealer, the applicant shall post a corporate surety bond, irrevocable letter of credit, trust fund agreement, or any other security agreement considered reasonable in an amount not less than $10,000, as determined by the commissioner or as required by the Packers and Stockyards Act, 1921, 7 U.S.C. Sec. 181 et seq.
(b) Any bond shall be written by a surety licensed under the laws of Utah and name the state, as obligee, for the use and benefit of producers.
(c) The bond or other security posted shall be conditioned upon:

(i) the faithful performance of contracts and the faithful accounting for and handling of livestock consigned to the dealer;
(ii) the performance of the obligations imposed under this chapter; and
(iii) the payment of court costs and attorney fees to the prevailing party incident to any suit upon the bond or other security posted.

(2)
(a) The commissioner may require a dealer who is issued a license to increase the amount of the bond or other security posted under Subsection (1)(a) if the commissioner determines the bond or other security posted is inadequate to secure performance of the dealer's obligations.
(b) The commissioner shall notify the Packers and Stockyards Administration of an increase made under Subsection (2)(a).
(c) The commissioner may suspend a dealer's license for failure to comply with Subsection (2)(a) within 10 days after notice is given to the dealer.

(3) A consignor claiming damages, as a result of fraud, deceit, or willful negligence by a dealer or as a result of the dealer's failure to comply with this chapter, may bring an action upon the bond or other security posted for damages against both the principal and surety.

(4)
(a) If it is reported to the department by a consignor that a dealer has failed to pay in a timely manner for livestock received for sale, the commissioner shall:
(i) ascertain the name and address of each consignor who is a creditor of the dealer; and
(ii) request a verified written statement setting forth the amount claimed due from the dealer.
(b) Upon receipt of the verified statements, the commissioner shall bring an action upon the bond or other security posted on behalf of the consignors who claim amounts due from the dealer.

(5)
(a) If an action is filed upon the bond or other security posted, the commissioner may require the filing of new security.
(b) Immediately upon recovery in the action described in Subsection (5)(a), the commissioner shall require the dealer to file a new bond or other security.
(c)
(i) The commissioner may suspend a license if a dealer fails to file the bond or other security within 10 days after the commissioner's demand.
(ii) A suspension described in Subsection (5)(c)(i) shall remain in effect until the dealer files a new bond or other security.
(d) If the bond or other security posted under this section is not renewed within 10 days of its expiration date, unless the commissioner states in writing that this is unnecessary, the commissioner may obtain, after a hearing, the full amount of the bond or other security before it expires.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-109 Dealers -- Records mandated -- Records subject to inspection.

(1) A dealer who receives livestock for sale or consignment shall promptly record:
(a) the name and address of the consignor;
(b) the date received;
(c) the condition and quantity upon arrival;
(d) the date of sale for account of the producer-consignor;
(e) the sale price;
(f) an itemized statement of the charges to be paid by the producer-consignor;

(g) the individual or group identification of the livestock;
(h) the nature and amount of any claims the dealer has against third persons for overcharges or damages; and
(i) if the dealer has a direct or indirect financial interest in the business of the purchaser, or, if the purchaser has a similar financial interest in the business of the dealer, the name and address of the purchaser.

(2)
(a) The dealer shall provide a copy of the livestock receipt to the producer immediately upon delivery of the product.
(b) The records required by this section shall be retained for a period of one year following the date of consignment and shall be available during business hours for inspection by the department.
(c) A consignor involved in a consignment subject to inquiry may inspect relevant records.

(3)
(a) A dealer shall file an annual report of the records required under Subsection (1) with the department on a form prescribed and furnished by the department.
(b) The dealer shall file the report by April 15 following the end of a calendar year, or if the records are kept on a fiscal year basis, by 90 days after the close of the fiscal year.
(c) The commissioner may, for good cause shown or by the commissioner's own motion, grant an extension to the filing deadline under Subsection (3)(b).
(d) For purposes of this Subsection (3), "dealer" does not include a packer buyer registered to purchase livestock for slaughter only.
(e) The department shall accept reports as required by the Packers and Stockyards Administration for livestock under the Packers and Stockyards Act, 1921, 7 U.S.C. Sec. 181, et seq.
(f) The reports required under this Subsection (3) may be subject to audit and establish the basis for bond adequacy.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-110 Livestock purchases.

Livestock purchases shall be paid for as provided in the Packers and Stockyards Act, 1921, 7 U.S.C. Sec. 181, et seq.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
Enforcement, Penalties, and Prohibitions

4-7-201 Department authority -- Examination and investigation of transactions -- Notice of agency action upon probable cause -- Settlement of disputes -- Cease and desist order -- Enforcement -- Review.

(1) For the purpose of enforcing this chapter the department may, upon the department's own motion, or shall, upon the verified complaint of an interested consignor, investigate, examine, or inspect any transaction involving:

(a) the solicitation, receipt, sale, or attempted sale of livestock by a dealer or person assuming to act as a dealer;
(b) the failure to make a correct account of sales;
(c) the intentional making of a false statement about market conditions or the condition or quantity of livestock consigned;
(d) the failure to remit payment in a timely manner to the consignor as required by contract or by this chapter;
(e) any other consignment transaction alleged to have resulted in damage to the consignor; or
(f) any dealer or agent with an unsatisfied judgment by a civil court related to an activity for which licensing is required by this chapter.

(2)
(a) After investigation upon the department's own motion, if the department determines that probable cause exists to believe that a dealer has engaged, or is engaging, in acts that violate this chapter, the department shall issue a notice of agency action.
(b)
(i) Upon the receipt of a verified complaint, the department shall undertake to effect a settlement between the consignor and the dealer.
(ii) If a settlement cannot be effected, the department shall treat the verified complaint as a request for agency action.

(3)
(a) In a hearing upon a verified complaint, if the commissioner, or hearing officer designated by the commissioner, determines by a preponderance of the evidence that the person complained of has violated this chapter and that the violation has resulted in damage to the complainant, the commissioner or officer shall:
(i) prepare written findings of fact detailing the findings and fixing the amount of damage suffered; and
(ii) order the defendant to pay damages.
(b) In a hearing initiated upon the department's own motion, if the commissioner or hearing officer determines by a preponderance of the evidence that the person complained of by the department has engaged, or is engaging, in acts that violate this chapter, the commissioner or officer shall prepare written findings of fact and an order requiring the person to cease and desist from the activity.

(4) The department may petition any court having jurisdiction in the county where the action complained of occurred to enforce the department's order.

(5) Any dealer aggrieved by an order issued under this section may obtain judicial review of the order.

(6)
(a) The department may not act upon a verified complaint submitted to the department more than six months after the consignor allegedly suffered damage.
(b) A livestock claim shall be made in writing within 120 days from the date of the transaction.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-202 Sale of livestock -- Prima facie evidence of fraud.

The following constitutes prima facie evidence of fraud in the sale of livestock:

(1) any sale of livestock at less than market price by a dealer to a person with whom the dealer has a financial interest; or

(2) any sale out of which the dealer receives part of the sale price other than the agreed commission or other agreed charges.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-203 Suspension or revocation -- Grounds -- Notice to producers.

(1) The department may suspend or revoke the license of and suspend or refuse all department services to a person licensed under this chapter if the department finds that the licensee has:
  (a) provided false information when making an application for a license;
  (b) failed to comply with this chapter or rules adopted under this chapter; or
  (c) engaged in any willful conduct that is detrimental to a producer.
(2) If a license is revoked pursuant to a hearing and the decision is final, or an injunction is imposed by a civil court, the department shall, by publication in a newspaper of general circulation in the area, notify producers of livestock in the area in which the licensee operated that the license has been revoked or a department action has been taken.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-204 Suspension of license -- Opportunity for hearing.

(1) The department may suspend a license immediately if:
  (a) an emergency exists that presents a clear and present danger to the public health;
  (b) an inspection or sampling is refused; or
  (c) the licensee's bond has been revoked or cancelled.
(2) The department shall immediately notify the person of the suspension in writing and provide an opportunity for hearing without delay.

Renumbered and Amended by Chapter 345, 2017 General Session

4-7-205 Prohibited acts.

(1) A person licensed under this chapter may not:
  (a) make false charges incident to the sale of livestock;
  (b) willfully fail to comply with the requirements of Section 4-7-109 or 4-7-110;
  (c) fail to file a schedule of commissions and charges;
  (d) reconsign livestock without the consent of the producer-consignor for the purpose of charging more than one commission;
  (e) make any false statement to the detriment of the producer regarding current market conditions for livestock or about the condition or quantity of the livestock consigned for the account of the producer;
  (f) engage in fraud or misrepresentation in the procurement or attempted procurement of a license; or
  (g) act as a dealer or agent and, with intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money from any bank or other depository to the owner for the purchase price of livestock, when at the time of the making, drawing, uttering, or delivery the maker or drawer does not have sufficient funds in or credit with the bank or other depository for the payment of the check, draft, or order in full upon its presentation.
(2)
  (a) The making, drawing, uttering, or delivery of a check, draft, or order in the circumstances specified in this section shall be evidence of an intent to defraud.

(b) As used in this section, "credit" means an arrangement or understanding with the bank or depository for the payment of the check, draft, or order.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 8
Agricultural Fair Trade Act

4-8-101 Title.

This chapter is known as the "Agricultural Fair Trade Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-102 Purpose declaration.

(1) The Legislature finds and declares that in order to preserve the agricultural industry of this state it is necessary to protect and improve the economic status of persons engaged in the production of products of agriculture.
(2) To carry out the policy described in Subsection (1), the Legislature determines it necessary to regulate the production and marketing of such products and to prohibit unfair and injurious trade practices.
(3) This chapter shall be liberally construed.

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-103 Definition.

As used in this chapter, "products of agriculture" means any product useful to the human species that results from the application of the science and art of the production of plants, minerals, and animals.

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-104 Department functions, powers, and duties.

The department shall exercise the following functions, powers, and duties, in addition to those specified in Chapter 1, General Provisions:
(1) perform general supervision over the marketing, sale, trade, advertising, storage, and transportation practices, used in buying and selling products of agriculture in Utah;
(2) conduct and publish surveys and statistical analyses with the department's own resources or with the resources of others through contract, regarding:
  (a) the cost of production for products of agriculture, including transportation, processing, storage, advertising, and marketing costs;
  (b) market locations, demands, and prices for such products; and
  (c) market forecasts;
(3) assist and encourage producers of products of agriculture in controlling current and prospective production and market deliveries in order to stabilize product prices at prices that assure reasonable profits for producers and at the same time ensure adequate market supplies;

(4) actively solicit input from the public and from interested groups or associations, through public hearings or otherwise, to assist in making fair determinations with respect to the production, marketing, and consumption of products of agriculture;
(5) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in regard to "Utah's Own," a program dedicated to the promotion of locally produced products of agriculture.

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-105 Unlawful acts specified.

A person engaged in the production, processing, handling, marketing, sale or distribution of products of agriculture may not:
(1) discriminate in price between two or more producers with respect to products of agriculture of like grade and quality;
(2) use any brand, label, container, or designation on products of agriculture not authorized by the department;
(3) promote or advertise the price of any product of agriculture that is required to be graded without displaying the grade of such product with prominence equal to that of the price; or
(4) make or permit the use of any false or misleading statement on any label or stencil affixed to a container or package containing products of agriculture or in any promotion or advertisement of such products.

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-106 Procedure for enforcement -- Notice of agency action -- Cease and desist order -- Enforcement -- Judicial review.

(1)
(a) Whenever the department has reason to believe that a person has, or is, engaged in the violation of this chapter, it shall issue a notice of agency action.
(b) If the commissioner, or a hearing officer designated by the commissioner, determines by a preponderance of the evidence that any person named in the complaint has engaged, or is engaging, in an act that violates this chapter, the officer shall:
(i) prepare written findings of fact; and
(ii) issue an order requiring the person to cease and desist from the illegal activity.
(2) The department may petition any court of competent jurisdiction for enforcement of its cease and desist order.
(3) Any person who is subject to a cease and desist order may obtain judicial review.
(4) The attorney general's office shall represent the department in any original action or appeal begun under this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-8-107 Defense to claim of illegal activity.

No person who acts in compliance with any rule adopted under authority of this chapter shall be considered to be engaged in any illegal conspiracy or combination in restraint of trade or to be acting in furtherance of any illegal purpose.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 9
Weights and Measures

4-9-101 Title.

This chapter is known as "Weights and Measures."

Enacted by Chapter 345, 2017 General Session

4-9-102 Definitions.

As used in this chapter:

(1) "Correct" means conformance to applicable requirements of this chapter.

(2) "Package" means a commodity put up or packaged before sale in either wholesale or retail saleunits.

(3) "Primary standards" means the physical standards of the state, described in Section 4-9-105, which are the legal reference from which all other standards and weights and measures are derived.

(4) "Sale from bulk" means the sale of commodities, when the quantity is determined at the time of sale.

(5) "Secondary standards" means a physical standard which is traceable to primary standards through comparisons, using acceptable laboratory procedures.

(6) "Weighing and measuring" means the use of weights and measures.

(7) "Weight" means net weight, unless the label declares that the product is sold by drained weight, in which case "weight" means net drained weight.

(8) "Weights and measures" means the instruments or devices used for weighing or measuring, including an appliance or accessory associated with the instrument or device.

(9) "Weights and measures registration" means the issuance of a certificate by the commissioner to a weights and measures user.

(10) "Weights and measures user" means a person who uses weights and measures in trade or commerce.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-103 Authority to make rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules necessary to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-104 Weights and measures -- Systems used -- Basic units, tables, and equivalents as published by National Institute of Standards and Technology.

(1) The department shall use:

(a) the same system of weights and measures that is customarily used in the United States; and

(b) the metric system of weights and measures.

(2) Either system under Subsection (1) may be used for commercial purposes in the state.

(3) The definitions of basic units of weight and measure, the tables of weight and measure, and the weights and measures equivalents published by the National Institute of Standards and Technology shall determine the weights and measures systems used within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-105 Weights and measures -- Primary state standards -- Secondary state standards -- Verification.

(1) Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the National Institute of Standards and Technology, shall be the state primary standards, and shall be maintained in the calibration prescribed by the National Institute of Standards and Technology.
(2) Secondary standards may be prescribed by the department and shall be verified upon their initial receipt, and as often after initial receipt as is considered necessary by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-106 Weights and measures -- Specifications, tolerances, and technical data published in National Institute of Standards and Technology Handbook govern.

Unless modified by the department, Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, National Institute of Standards and Technology, adopted by the National Council on Weights and Measures, including supplements or revisions to Handbook 44, shall determine the specifications, tolerances, and other technical requirements for devices used for:

(1) commercial weighing and measuring;
(2) law enforcement;
(3) data gathering; and
(4) other weighing and measuring purposes.

Amended by Chapter 91, 2025 General Session

4-9-107 Adopting uniform packaging and labeling regulation.

Unless modified by the department, the Uniform Packaging and Labeling Regulation, adopted by the National Council on Weights and Measures in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to packaging and labeling in the state.

Amended by Chapter 91, 2025 General Session

4-9-108 Adopting uniform regulation for the method of sale of commodities.

Unless modified by the department, the Uniform Regulation for the Method of Sale of Commodities, adopted by the National Council on Weights and Measures, in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to the method of sale of commodities in the state.

Amended by Chapter 91, 2025 General Session

4-9-109 Adopting uniform regulation for the voluntary registration of servicepersons and service agencies for commercial weighing and measuring devices.

Unless modified by the department, the Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices, adopted by the National Council on Weights and Measures in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to the registration of servicepersons and service agencies in the state.

Amended by Chapter 91, 2025 General Session

4-9-110 Department duties -- Seizure of incorrect weights and measures.

(1) The department may:

(a) establish weights and measures standards, specifications, and tolerances for:

(i) all commodities;

(ii) the fill for any commodity contained in a package;

(iii) labels or labeling of a commodity; and

(iv) weights and measures used commercially;

(b) inspect and test weights and measures kept, offered, or exposed for sale to determine if they are correct;

(c) inspect and test weights and measures commercially used to determine if they are correct;

(d) test all weights and measures used to check the receipt or disbursement of supplies used by a state agency or institution funded by the state;

(e) in accordance with sampling procedures recognized and designated in Handbook 133, Checking the Net Contents of Packaged Goods, National Institute of Standards and Technology, inspect and test any packaged commodity kept, offered, or exposed for sale, sold, or in the process of delivery, to determine if the package contains the amount represented;

(f) determine the appropriate term or unit of weight or measure to be used for container sizes, if the department determines that an existing practice of declaring the quantity by weight, measure, count, or any combination of these practices, hinders value comparisons by consumers;

(g) approve correct weights and measures and reject and mark as "rejected," weights and measures that are incorrect;

(h) allow reasonable variations from a stated weight or measure caused by loss or gain due to:

(i) moisture during the course of acceptable distribution practices; or

(ii) unavoidable deviations in acceptable manufacturing practices;

(i) grant an exemption from the requirements of this chapter or from any rule promulgated under this chapter, when the department determines that the exemption is necessary for the maintenance of acceptable commercial practices;

(j) maintain on file, for public inspection, a copy of each handbook prepared by the National Institute of Standards and Technology that is used to enforce this chapter; and

(k) establish and charge fees as authorized under Subsection 4-2-103(2) for the inspection of weights and measures.

(2) The department may seize weights and measures that are:

(a) incorrect and are not corrected within a reasonable time specified by the department; or

(b) used or disposed of in a manner not authorized by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-111 Enforcement powers of department.

(1) For the purpose of enforcing this chapter, the department may:
  (a) enter any commercial premises during normal working hours after the presentation of credentials;
  (b) issue in writing a "stop-use, hold, or removal order" with respect to any weights or measures commercially used or a "stop sale, use, or removal order" with respect to any packaged commodity or bulk commodity offered for sale;
  (c) seize as evidence, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity offered for sale or sold in violation of this chapter;
  (d)
    (i) seek an order of seizure or condemnation of any weight, measure, package, or sale from bulk that violates this chapter; or
    (ii) upon proper grounds, obtain a temporary restraining order or permanent injunction to prevent a violation of this chapter; and
  (e) stop any commercial vehicle and after presenting credentials:
    (i) inspect its contents;
    (ii) require the person in charge of the vehicle to produce any documents in his possession concerning the contents; or
    (iii) require the person in charge of the vehicle to proceed with the vehicle to some specified place for inspection.
(2) If an order has been issued under Subsection (1)(b), the weights, measures, or commodities subject to the order may not be used, moved, or offered for sale until the department issues a written release.
(3) A bond may not be required of the department in any injunctive proceeding brought under this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-112 Sale of commodities in liquid form -- Sale of commodities in nonliquid form -- Requirements.

(1) Commodities in liquid form shall be sold by liquid measure or by weight.
(2) Commodities not in liquid form shall be sold only by weight, measure, or by count, as long as the method of sale provides accurate quantity information.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-113 Bulk sales -- Information furnished to purchaser.

Whenever the quantity is determined solely by the seller, in the absence of the buyer, all bulk sales of heating fuel and other bulk sales as determined by the department shall be accompanied by a delivery ticket containing the following information:
(1) the name and address of the vendor and purchaser;
(2) the date delivered;
(3) the quantity delivered and the quantity upon which the price is based, if different from the delivered quantity;
(4) a description of the bulk material sold, including any quality representation made in connection with the sale; and

(5) the number of individually wrapped packages.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-114 Packaged commodity sales -- Labeling information specified -- When price per single unit of weight to be displayed.

(1) Any packaged commodity offered for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:
  (a) the identity of the commodity in the package, unless the same can easily be identified through the wrapper or container;
  (b) the quantity of contents in terms of weight, measure, or count; and
  (c) the name and place of business of the manufacturer, packer, or distributor, if the packaged commodity is offered for sale, or sold other than on the premises where packaged.
(2) Any package that is one of a lot containing random weights of the same commodity and bearing the total sales price of the package shall, in addition to compliance with Subsection (1), bear on the outside of the package a definite, plain, and conspicuous declaration of the price per single unit of weight.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-115 Advertisement of packaged commodity sales -- Requirements.

(1) An advertisement that promotes a packaged commodity with the retail price stated shall plainly and conspicuously advertise the quantity required to appear on the package.
(2) If a dual quantity declaration is required by law, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure shall appear in the advertisement.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-116 Unlawful acts specified.

A person may not:
(1) sell, offer, or present for sale a commodity whose weight and measure is less than the weight and measure represented as being sold, offered, or exposed for sale;
(2) misrepresent the price of a commodity sold, advertised, exposed, or offered for sale by weight, measure, or count, or represent the price in a manner that misleads or deceives a person;
(3) use or possess an incorrect weight or measure in commerce;
(4) remove a tag, seal, or mark from a weight or measure without specific written authorization from the department;
(5) hinder or obstruct an agent of the department dealing with weights and measures in the performance of the agent's duties; or
(6) operate weights and measures in trade or commerce for the purpose of determining the weight or measure of a commodity without a valid weights and measures registration issued by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-117 Weighing and measuring devices -- Presumption.

If a weighing or measuring device is in a place where buying or selling is commonly carried on, there is a rebuttable presumption that the weighing or measuring device is regularly used for the business purposes of that place.

Renumbered and Amended by Chapter 345, 2017 General Session

4-9-118 Registration of commercial establishments using weights and measures.

Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules providing for the registration of weights and measures users and issuance of certification of weights and measures devices to ensure the use of correct weights and measures in commerce or trade. The department may:

(1) determine whether weights and measures are correct through:
  (a) inspection and testing by a department employee; or
  (b) acceptance of an inspection and testing report prepared by a registered weights and measures service person;
(2) establish standards and qualifications for a registered weights and measures service person; and
(3) determine the form and content of an inspection and testing report.

Amended by Chapter 59, 2024 General Session

Chapter 10
Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act

4-10-101 Title.

This chapter is known as the "Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-102 Definitions.

As used in this chapter:

(1) "Article" means bedding, upholstered furniture, quilted clothing, or filling material.
(2) "Bedding" means a:
  (a) quilted, packing, mattress, or hammock pad; or
  (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion made with a filling material that can be used for sleeping or reclining.
(3) "Consumer" means a person who purchases, rents, or leases an article for the article's intended, everyday use.
(4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other material, or a combination of materials, whether loose or in bags, bales, batting, pads, or other prefabricated form that is, or can be, used in bedding, upholstered furniture, or quilted clothing.
(5) "Label" means the display of written, printed, or graphic matter upon a tag or upon the immediate container of a bedding, upholstered furniture, quilted clothing, or filling material.
(6)

(a) "Manufacture" means to make, process, or prepare from new or secondhand material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or filling material for sale.
(b) "Manufacture" does not include making, processing, or preparing an article described in Subsection (6)(a) if:
(i) a person sells three or fewer of the articles per year; and
(ii) the articles are sold by persons who are not primarily engaged in the making, processing, or preparation of the articles.

(7)
(a) "New material" means material that has not previously been used in the manufacture of another article used for any purpose.
(b) "New material" includes:
(i) by-products from a textile mill using only new raw material synthesized from a product that has been melted, liquified, and re-extruded; and
(ii) down and feather that has been sterilized in accordance with the department's rules made under Sections 4-10-103 and 4-10-113.

(8) "Owner's own material" means an article owned or in the possession of a person for the person's own or a tenant's use that is sent to another person for manufacture or repair.
(9) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in whole or in part from filling material and sold or offered for sale.
(10) "Reclaimed" or "reclaimed material" means material that would have otherwise been disposed of as waste or used for energy recovery, but instead is collected and used as a material input, in lieu of new primary material, as defined by rule by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(11) "Recycled" or "recycled material" means material that has been reprocessed from reclaimed material by means of an accepted manufacturing process and made into a final product or into a component for incorporation into a product as defined by rule by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(12) "Repair" means to restore, recover, alter, or renew bedding or upholstered furniture for a consideration.
(13) "Retailer" means a person who sells bedding, upholstered furniture, quilted clothing, or filling material to a consumer for use primarily for personal, family, household, or business purposes.
(14)
(a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver, consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling material.
(b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's sale of an item described in Subsection (14)(a).
(15) "Secondhand" means an article or filling material, or portion of an article or filling material, that has previously been used.
(16) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as required by Section 4-10-113.
(17) "Tag" means a card, flap, or strip attached to an article for the purpose of displaying information required by this chapter or under rule made pursuant to it.
(18)
(a) "Used" means an article that has been sold to a consumer and has left the store.
(b) "Used" does not include an article returned to the store:
(i) with the article's original tags; and
(ii) in the article's original packaging.

(19) "Upholstered furniture" means portable or fixed furniture, except fixed seats in motor vehicles, boats, or aircraft, that is made in whole or in part with filling material, exclusive of trim used for aesthetic effect.
(20) "Wholesaler" means a person who offers an article for resale to a retailer or institution rather than a final consumer.

Amended by Chapter 295, 2021 General Session

4-10-103 Authority to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-104 Manufacture, repair, or wholesale sale of bedding, upholstered furniture, quilted clothing, or filling material -- Permit required.

(1) It is unlawful for a person to engage in the manufacture, repair, or wholesale sale of bedding, upholstered furniture, quilted clothing, or filling material without a permit issued by the department.
(2) Notwithstanding Subsection (1), a person may engage in the repair of quilted clothing without a permit issued by the department if that person is not otherwise required to obtain a permit issued by the department under this chapter or by department rule.

Amended by Chapter 295, 2021 General Session

4-10-105 Registration -- Permit -- Fees -- Expiration -- Renewal.

(1)
  (a) A person may register with the department, on a form prescribed and furnished by the department, for a permit to manufacture, repair, sterilize, or engage in the wholesale sale of bedding, upholstered furniture, quilted clothing, or filling material.
  (b) Upon receipt of a proper registration form and payment of the appropriate registration fee, the commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue to the applicant a permit to engage in the particular activity through December 31 of the year in which the permit is issued, subject to suspension or revocation of the permit for cause.
  (c) A person doing business under more than one name shall register with and obtain a permit from the department for each name under which business is conducted.
(2) The annual registration fee for each permit issued under this chapter shall be determined by the department pursuant to Subsection 4-2-103(2).
(3) Each permit issued under this chapter is renewable for a period of one year upon the payment of the applicable amount for the particular permit sought to be renewed on or before December 31 of each year.
(4) A person who holds a valid manufacturer's permit may register and obtain a permit as a wholesale dealer without the payment of an additional registration fee.
(5) A person who fails to renew a permit and engages in conduct requiring a permit under this chapter shall pay the applicable registration fee for each year in which the person engages in conduct requiring a permit for which the permit is not renewed.
(6) The department may retroactively collect a registration fee owed under Subsection (5).

Amended by Chapter 316, 2020 General Session

4-10-106 Unlawful acts specified.

It is unlawful for a person to:

(1) sell bedding, upholstered furniture, quilted clothing, or filling material as new unless it is made from new material and properly tagged;

(2) sell bedding, upholstered furniture, quilted clothing or filling material made from secondhand material that is not properly tagged;

(3) label or sell a used or secondhand article as if it were a new article;

(4) use burlap or other material that has been used for packing or baling, or to use any unsanitary, filthy, or vermin or insect infested filling material in the manufacture or repair of an article;

(5) sell bedding, upholstered furniture, quilted clothing or filling material that is not properly tagged regardless of point of origin;

(6) use a false or misleading statement, term, or designation on a tag;

(7) use a false or misleading label;

(8) sell new bedding, upholstered furniture, or quilted clothing with filling material made of down, feather, wool, or hair that has not been properly sterilized; or

(9) engage in the manufacture, repair, sterilization, or wholesale sale of bedding, upholstered furniture, quilted clothing, or filling material without a permit issued by the department as required by this chapter, unless otherwise exempt under Section 4-10-104 with respect to the repair of quilted clothing.

Amended by Chapter 295, 2021 General Session

4-10-107 Tagging requirements for bedding, upholstered furniture, and filling material.

(1)

(a) The manufacturer, retailer, or repairer shall securely tag bedding, upholstered furniture, and filling material.

(b) A tag shall be at least six square inches and plainly and indelibly labeled with:

(i) information as the department requires by rule;

(ii) according to the filling material type, the words "All New Material," "Secondhand Material," or "Owner's Material," stamped or printed on the label; and

(iii) the word "USED" stamped or printed on the label of a used mattress.

(c) A label shall be placed on the article in such a position as to facilitate ease of examination.

(2)

(a) If more than one type of filling material is used in an item, the percentage, by weight, of each component part shall be listed in order of predominance.

(b) If a descriptive statement is made about the frame, cover, or style of the article, the statement shall, in fact, be true.

(c) Quilted clothing shall be tagged and labeled in conformity with the Federal Textile Fiber Products Identification Act, 15 U.S.C. Secs. 70 through 70i.

(3) A person, except the purchaser, may not remove, deface, or alter a tag attached according to this chapter.

(4) A used mattress shall be tagged with the word "USED," in accordance with rules established by the department.

(5) The retailer of a used mattress shall display the mattress so that the "USED" tag is clearly visible to a customer.

(6)
(a) For items containing down or feather, a manufacturer, retailer, or repairer may use the terms "reclaimed," "reclaimed material," "recycled," or "recycled material" on a tag attached to the item if the item contains reclaimed or recycled material as defined in Section 4-10-102.
(b) If a term allowed under this Subsection (6) is included on a tag, a manufacturer, retailer, or repairer shall:
(i) indicate whether an item is "new" or "used" as defined in this chapter; and
(ii) comply with Subsection (2).

Amended by Chapter 295, 2021 General Session

4-10-108 Seller's representation of a used mattress -- Bedding records required.
(1) A seller shall represent a mattress tagged "USED" as previously used by a customer.
(2) The manufacturer, repairer, wholesale dealer, or retailer of a mattress shall keep an invoice, shipping information, bill of lading, or other record of the mattress at the manufacture, repair, wholesale, or retail location for a minimum of one year from the day on which the invoice, shipping information, bill of lading, or other record was created or received.

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-109 Use of rubber stamp or stencil authorized -- Conditions for use.
A rubber stamp or stencil may be used instead of a tag on articles with slip covers if the article has a smooth backing, or on suitable surfaces of containers or bales of filling material; provided, the information required by Section 4-10-107 is indelible and legible.

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-110 Sale of bedding, upholstered furniture, quilted clothing, or filling material -- Tag, stamp, or stencil required -- Secondhand material to bear tag -- Presumption -- Owner's own material to be tagged.
(1) A wholesaler or retailer may sell bedding, upholstered furniture, quilted clothing, or prefabricated filling if it is properly tagged, stamped, or stenciled under Section 4-10-107 or 4-10-109.
(2) Notwithstanding the requirements of Section 4-10-107, a retailer who sells used bedding or upholstered furniture shall:
(a) attach a secondhand material tag to each used article before sale; or
(b) clearly display a disclosure statement as provided in Subsection (3).
(3) The disclosure statement required under Subsection (2)(b) shall:
(a) state "ALL BEDDING AND UPHOLSTERED FURNITURE OFFERED FOR SALE IN THIS ESTABLISHMENT ARE SECONDHAND UNLESS SPECIFICALLY LABELED AS NEW";
(b) be printed:
(i) in black capital letters using Arial, Calibri, Cambria, or Times New Roman in no smaller than 48-point font; and
(ii) on bright yellow paper, at least 8.5 inches by 6.5 inches in size; and
(c) be displayed at each public entrance and checkstand at each retail location.
(4) Possession of an article by a person who regularly engages in the manufacture, repair, wholesale, or supply of such articles is presumptive evidence of intent to sell.
(5)

(a) A person who repairs "owner's own material" shall immediately upon its receipt attach an owner's material tag to the article.
(b) The tag shall remain attached to the article until it is actually in the process of repair and shall be reattached upon completion of repair.

Amended by Chapter 316, 2020 General Session

4-10-111 Enforcement -- Inspection authorized -- Samples -- Reimbursement for samples -- Warrants.

(1)
(a) The department may access public and private premises where articles subject to this chapter are manufactured, repaired, stored, or sold for the purpose of determining compliance with this chapter.
(b) For purposes of determining compliance, the department may:
(i) open any upholstered furniture, bedding, or quilted clothing to obtain a sample for inspection and analysis of filling material; or
(ii) if considered appropriate by the department, take the entire article for inspection and analysis.
(c) Upon request, the department shall reimburse the owner or person from whom a sample or article is taken in accordance with this Subsection (1) for the actual cost of the sample or article.
(2) Upon request, the department may review and copy any of the records required under Subsection 4-10-108(2).
(3) The department may proceed immediately, if admittance is refused or a record is denied, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making inspections and taking samples or articles.

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-112 Stop sale, use, or removal order authorized -- Conditions for release specified -- Condemnation or seizure -- Procedure specified -- Award of costs authorized.

(1)
(a) The department may issue a "stop sale, use, or removal order" to a manufacturer, repairer, wholesaler, or retailer of any designated article or articles that the department finds or has reason to believe violates this chapter.
(b) The order shall be in writing and no article subject to the order shall be removed, offered, or exposed for sale, except upon subsequent written release by the department.
(c) Before a release is issued, the department may require the manufacturer, repairer, wholesaler, or retailer of the "stopped" article to pay the expense incurred by the department in connection with the withdrawal of the article from the market or for any other expense incurred in enforcing this chapter and the department's rules made under this chapter.
(2)
(a) The department may seek in a court of competent jurisdiction an order of seizure or condemnation of an article that violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of this chapter.
(b) A bond may not be required of the department in an injunctive proceeding brought under this section.
(3)

(a) Except as provided in Subsection (3)(b), if condemnation is ordered, the article shall be disposed of as the court directs.
(b) The court may not order condemnation without giving the claimant of the article an opportunity to apply to the court for permission to bring the article into conformance, or for permission to remove the article from the state.
(4) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the article.

Amended by Chapter 295, 2021 General Session

4-10-113 Sterilization of filling material.
(1) A person shall sterilize all wool, feathers, down, shoddy, hair, or other material before the material is used as filling material in new bedding, upholstered furniture, or quilted clothing.
(2) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the appropriate method by which a person may sterilize wool, feathers, down, shoddy, hair, or other material for use in filling material, as required by Subsection (1).

Renumbered and Amended by Chapter 345, 2017 General Session

4-10-114 Use of reclaimed or recycled material.
(1) A person may advertise an item filled with down, down and feather, or feather as "new" if it is manufactured using 100% reclaimed or recycled material, provided that the tag clearly discloses that the item is manufactured using 100% reclaimed or recycled material.
(2) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the use of reclaimed or recycled material under this chapter.

Enacted by Chapter 295, 2021 General Session

Chapter 11
Utah Bee Inspection Act

4-11-101 Title.
This chapter is known as the "Utah Bee Inspection Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-102 Definitions.
As used in this chapter:
(1) "Abandoned apiary" means any apiary to which the owner or operator fails to give reasonable and adequate attention during a given year as determined by the department.
(2) "Apiary" means any place where one or more colonies of bees are located.
(3) "Apiary equipment" means hives, supers, frames, veils, gloves, or other equipment used to handle or manipulate bees, honey, wax, or hives.
(4) "Appliance" means any apparatus, tool, machine, or other device used to handle or manipulate bees, wax, honey, or hives.

(5) "Bee" means the common honey bee, Apis mellifera, at any stage of development.
(6)
(a) "Beekeeper" means a person who keeps bees.
(b) "Beekeeper" includes an apiarist.
(7) "Colony" means an aggregation of bees in any type of hive that includes queens, workers, drones, or brood.
(8) "Disease" means any infectious or contagious disease affecting bees, as specified by the department, including American foulbrood.
(9) "Hive" means a frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle that may be used to house bees.
(10) "Package" means any number of bees in a bee-tight container, with or without a queen, and without comb.
(11) "Parasite" means an organism that parasitizes any developmental stage of a bee.
(12) "Pest" means an organism that:
(a) inflicts damage to a bee or bee colony directly or indirectly; or
(b) may damage apiary equipment in a manner that is likely to have an adverse effect on the health of the colony or an adjacent colony.
(13) "Raise" means:
(a) to hold a colony of bees in a hive for the purpose of pollination, honey production, or study, or a similar purpose; and
(b) when the person holding a colony holds the colony or a package of bees in the state for a period of time exceeding 30 days.
(14) "Terminal disease" means a pest, parasite, or pathogen that will kill an occupant colony or subsequent colony on the same equipment.

Amended by Chapter 136, 2019 General Session

4-11-103 Department authorized to make and enforce rules.
(1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules necessary for the administration and enforcement of this chapter.
(2) The rules described in Subsection (1) shall include provisions for the identification of each apiary within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-104 Bee raising -- Registration required -- Application -- Fees -- Renewal -- License required -- Application -- Fees -- Renewal.
(1) A person may not raise bees in this state without being registered with the department.
(2) Application for registration to raise bees shall be made to the department upon tangible or electronic forms prescribed and furnished by the department, within 30 days after the person:
(a) takes possession of the bees; or
(b) moves the bees into the state.
(3) Nothing in Subsection (2) limits the requirements of Section 4-11-111.
(4) An application in accordance with this chapter shall specify:
(a) the name and address of the applicant;
(b) the number of bee colonies owned by the applicant at the time of the application that will be present in the state for a period exceeding 30 days; and

(c) any other relevant information the department considers appropriate.
(5) Upon receipt of a proper application and payment of an annual registration fee determined by the department pursuant to Subsection 4-2-103(2), the commissioner shall issue a registration to the applicant valid through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.
(6) A bee registration is renewable for a period of one year upon the payment of an annual registration renewal fee as determined by the department pursuant to Subsection 4-2-103(2).
(7) Registration shall be renewed on or before December 31 of each year.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-105 County bee inspector -- Appointment -- Termination -- Compensation.
(1) The county executive upon the petition of five or more persons who raise bees within the respective county shall, with the approval of the commissioner, appoint a qualified person to act as a bee inspector within the county.
(2) A county bee inspector shall be employed at the pleasure of the county executive and the commissioner and is subject to termination of employment, with or without cause, at the instance of either.
(3) Compensation for the county bee inspector shall be fixed by the county legislative body.
(4) To be appointed a county bee inspector, a person shall demonstrate adequate training and knowledge related to this chapter, bee diseases, and pests.
(5) A record concerning bee inspection shall be kept by the county executive or commissioner.
(6) The county executive and the commissioner shall investigate a formal, written complaint against a county bee inspector.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-106 Hives to have removable frames -- Consent of county bee inspector to sell or transport diseased bees.
(1) A person may not house or keep bees in a hive unless the hive is equipped with movable frames to all the hive's parts so that access to the hive can be had without difficulty.
(2) No person who owns or has possession of bees (whether queens or workers) with knowledge that they are infected with terminal disease, parasites, or pests, or with knowledge that they have been exposed to terminal disease, parasites, or pests, shall sell, barter, give away, or move the bees, colonies, or apiary equipment without the consent of the county bee inspector or the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-107 Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by department -- Election to transport bees to wax-salvage plant.
(1) The county bee inspector or the department may inspect:
(a) all apiaries within the county at least once each year; and
(b) immediately any apiary within the county that is alleged in a complaint to be severely diseased, parasitized, or abandoned.
(2) If, upon inspection, the inspector determines that an apiary is diseased or parasitized, the inspector may take the following action based on the severity of the disease or parasite present:

(a) prescribe the course of treatment that the owner or caretaker of the bees shall follow to eliminate the disease or parasite;
(b) personally, for the purpose of treatment approved by the department, take control of the afflicted bees, hives, combs, broods, honey, and equipment; or
(c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and all appliances that may have become infected.

(3) If, upon reinspection, the inspector determines that the responsible party has not executed the course of treatment prescribed by Subsection (2), the inspector may take immediate possession of the afflicted colony for control or destruction in accordance with Subsection (2)(b) or (c).

(4)
(a) The owner of an apiary who is dissatisfied with the diagnosis or course of action proposed by an inspector under this section may, at the owner's expense, have the department examine the alleged diseased bees.
(b) The decision of the commissioner with respect to the condition of bees at the time of the examination is final and conclusive upon the owner and the inspector involved.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-108 County bee inspector -- Disinfection required before leaving apiary with diseased bees.

(1) Before inspecting the premises of any apiary, an inspector and any assistant of an inspector shall disinfect any equipment that will be used in the inspection.
(2) Before leaving the premises of any apiary, the bee inspector, or any assistant, shall thoroughly disinfect any part of the inspector's own person, clothing, or any appliance that has come in contact with infected material.
(3) The method of disinfection required by Subsection (2):
(a) may be determined by the department; and
(b) shall be sufficient to destroy disease, parasites, and pathogens encountered.
(4) A county bee inspector shall maintain a record of each inspection, including disinfection practices.
(5) The county executive or the commissioner may review a county bee inspector's records kept in accordance with Subsection (4).

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-109 Inspection of apiaries where queen bees raised for sale -- Honey from apiaries where queen bees raised for sale not to be used for candy for mailing cages unless boiled.

(1)
(a) At least twice each summer the county bee inspector may inspect each apiary in which queen bees are raised for sale.
(b) A person may not sell or transport any queen bee from an apiary that is found to be infected with disease without the consent of the county bee inspector or the department.

(2) No person engaged in raising queen bees for sale shall use any honey for making candy for mailing cages that has not been boiled for at least 30 minutes.
(3) A person rearing queens shall follow standard methods for minimizing or eliminating unmanageably aggressive stock.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-110 Enforcement -- Inspections authorized -- Warrants.

(1) The department and all bee inspectors shall have access to all apiaries or places where bees, hives, and appliances are kept for the purpose of enforcing this chapter.

(2) If admittance is refused, the department, or the bee inspector involved, may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making an inspection.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-111 Importation of bees or appliances into state -- Certification required -- Inspection discretionary -- Authority to require destruction or removal of diseased bees and appliances.

(1)

(a) A person may not bring or import any bees in packages or hives or bring or import any used beekeeping equipment or appliances into this state without obtaining a certificate from an inspector authorized in the state of origin certifying that:

(i) the bees, apiary equipment, or appliances have been inspected within the current production season; and

(ii) all diseased colonies in the apiary at the time of the inspection were destroyed or treated.

(b) A person bringing or importing bees into the state shall advise the department of the address of the bees' destination and furnish the department with a copy of the certificate of inspection upon entry into the state.

(c) A person intending to hold bees in the state for a period of time exceeding 30 days shall comply with Section 4-11-104.

(2)

(a) A person may not bring or import any used apiary equipment, except after obtaining a certificate from an inspector authorized in the state of origin certifying that all potentially pathogen-conductive apiary equipment or appliances are appropriately sterilized immediately before importation.

(b) A person bringing or importing used apiary equipment shall advise the department of the address of the destination in the state and furnish the department with a copy of the certificate of inspection upon entry into the state.

(3) Used apiary equipment or appliances that have been exposed to terminal disease may not be sold without the consent of the bee inspector or the commissioner.

(4) In lieu of the certificate required by Subsection (1), the certificate may be a Utah certificate.

(5)

(a) If the department determines it is necessary for any reason to inspect any bees, apiary equipment, or appliance upon arrival at a destination in this state, and upon this inspection finds terminal disease, the department shall cause all diseased colonies, appliances, and equipment to be either:

(i) destroyed immediately; or

(ii) removed from the state within 48 hours.

(b) The costs of complying with Subsection (5)(a)(i) or (ii) shall be paid by the person bringing the diseased colonies, appliances, or equipment into the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-112 Quarantine authorized.

The commissioner, in order to protect the bee industry of the state against bee health or management issues, may quarantine the entire state, an entire county, or any apiary or specific hive within the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-113 Unlawful acts specified.

It is unlawful for a person to:

(1) extract honey in any place where bees can gain access either during or after the extraction process;

(2) maintain any neglected or abandoned hives, apiary equipment, or appliances other than in an enclosure that prohibits the entrance of bees;

(3) raise bees without being registered with the department; or

(4) knowingly sell a colony, apiary equipment, or appliance that is inoculated with terminal disease pathogens.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-114 Maintenance of abandoned apiary, equipment, or appliance -- Nuisance.

(1) It is a public nuisance to keep an abandoned or diseased apiary, apiary equipment, or appliance anywhere other than in an enclosure that prohibits the entry of bees.

(2) Items listed in Subsection (1) are subject to seizure and destruction by the county bee inspector.

(3) Upon discovery of, or receipt of a written complaint concerning, an abandoned apiary site, apiary equipment, or appliance, the bee inspector shall attempt to notify the registered owner, if any.

(4)

(a) A registered owner notified under Subsection (3) shall remove the abandoned apiary, apiary equipment, or appliance or provide a bee-proof enclosure within 15 days.

(b) The bee inspector or the department shall verify the removal or protection in accordance with Subsection (4)(a) at the expiration of the 15-day period.

(c) If a registered owner does not comply with Subsection (4)(a), the bee inspector or the department may seize and destroy the abandoned apiary, apiary equipment, and appliances.

(5) A bee inspector or the department may seize and destroy an abandoned apiary, apiary equipment, or appliances if the abandoned apiary, apiary equipment, or appliances do not indicate a registered owner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-115 Maintaining gentle stock.

A beekeeper may not intentionally maintain an aggressive or unmanageable stock, whether African or European in origin.

Renumbered and Amended by Chapter 345, 2017 General Session

4-11-116 Regulation of beekeeping reserved to state -- Exceptions -- Rulemaking authorized.

(1) As used in this section, "governmental entity" means the same as that term is defined in Section 11-13a-102.
(2) Except as authorized by Subsection (3), a governmental entity may not adopt or enforce any restriction related to the raising of bees on private property that is more restrictive than the restrictions in this chapter.
(3) A governmental entity may adopt and enforce a restriction related to the number and location of hives on property within the governmental entity's jurisdiction if the restriction complies with the department's rules described in Subsection (4).
(4) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for governmental entities to follow when adopting beekeeping restrictions in the governmental entity's jurisdiction related to:
  (a) the number of hives permitted on a property;
  (b) the location of hives on a property; and
  (c) any locations unsuitable for beekeeping.
(5) This section does not restrict or expand private property rights.

Enacted by Chapter 61, 2024 General Session

Chapter 12
Utah Commercial Feed Act

4-12-101 Title.

This chapter is known as the "Utah Commercial Feed Act."

Renumbered and Amended by Chapter 355, 2018 General Session

4-12-102 Definitions.

As used in this chapter:
(1) "Adulterated commercial feed" means any commercial feed that:
  (a)
    (i) contains any poisonous or deleterious substance that may render it injurious to health;
    (ii) contains any added poisonous, added deleterious, or added nonnutritive substance that is unsafe within the meaning of 21 U.S.C. Sec. 346, other than a pesticide chemical in or on a raw agricultural commodity or a food additive;
    (iii) contains any food additive or color additive that is unsafe within the meaning of 21 U.S.C. Sec. 348 or 379e;
    (iv) contains a pesticide chemical in or on a raw agricultural commodity that is unsafe within the meaning of 21 U.S.C. Sec. 346a unless it is used in or on the raw agricultural commodity in conformity with an exemption or tolerance prescribed under 21 U.S.C. Sec. 346a and is subjected to processing such as canning, cooking, freezing, dehydrating, or milling, so that the residue, if any, of the pesticide chemical in or on the processed feed is removed to the extent possible through good manufacturing practices as prescribed by rules of the department so that the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity in 21 U.S.C. Sec. 346a;
    (v) contains viable weed seeds in amounts exceeding limits established by rule of the department;

(vi) contains a drug that does not conform to good manufacturing practice as prescribed by federal regulations promulgated under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., for medicated feed premixes and for medicated feeds unless the department determines that the regulations are not appropriate to the conditions that exist in this state;

(vii) contains any filthy, putrid, or decomposed substance, or is otherwise unfit for feed; or

(viii) has been prepared, packed, or held under unsanitary conditions; or

(b) has a valuable constituent omitted or abstracted from it, in whole or in part, or its composition or quality falls below or differs from that represented on its label or in labeling.

(2)

(a) "Animal remedy" means a remedy that:

(i) is not used for food or cosmetic purposes; and

(ii) is prepared or compounded for animal use.

(b) "Animal remedy" does not mean:

(i) a material, other than food, that is intended to affect the structure or function of the body of a human; or

(ii) a product produced primarily as feed, to which medication is added at the time of manufacture as an additional ingredient.

(3) "Brand name" means one or more words, names, symbols, or devices that:

(a) identify a distributor or registrant's commercial feed; and

(b) distinguish the distributor or registrant's commercial feed from the commercial feed of others.

(4)

(a) "Commercial feed" means all materials that are distributed for use as feed or for mixing in feed.

(b) "Commercial feed" does not include:

(i) unadulterated, whole, unmixed seeds;

(ii) unadulterated, physically altered, entire, unmixed seeds;

(iii) any unadulterated commodity that the department specifies by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances, unless the commodities, compounds, or substances are intermixed or mixed with other materials;

(iv) a live, whole, or unprocessed animal that is not:

(A) adulterated; or

(B) misbranded; or

(v) an animal remedy that is not:

(A) adulterated; or

(B) misbranded.

(5) "Contract feeder" means a person who:

(a) is an independent contractor; and

(b) in accordance with the terms of a contract:

(i) is provided commercial feed;

(ii) feeds the commercial feed to an animal; and

(iii) receives remuneration that is calculated in whole or in part by feed consumption, mortality, profit, product amount, or product quality.

(6) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(7) "Distribute" means to:

(a) offer for sale, sell, exchange, or barter commercial feed; or
(b) supply, furnish, or otherwise provide commercial feed to a contract feeder.
(8) "Drug" means any article intended:
(a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans; and
(b) to affect the structure or any function of the animal body, unless the article is feed.
(9) "Feed ingredient" means each constituent material in a commercial feed.
(10) "Home-produced" means a pet treat produced in a private home kitchen in the state.
(11) "Label" means any written, printed, or graphic matter upon or accompanying a commercial feed.
(12) "Manufacture" means to grind, mix, blend, or otherwise process a commercial feed for distribution.
(13) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.
(14)
(a) "Misbranded" means any commercial feed, whether in a container or in bulk, that bears a label that:
(i) is false or misleading in any particular; or
(ii) does not strictly conform to the labeling requirements of Section 4-12-105.
(b) "Misbranded" includes commercial feed that is distributed under the name of another commercial feed.
(15) "Official sample" means a sample of commercial feed taken by the department in accordance with this chapter and designated as "official."
(16) "Percent" or "percentage" means percentage by weight.
(17) "Pet" means a domesticated dog or cat.
(18) "Pet food" means a commercial feed prepared and distributed for consumption by a pet.
(19) "Pet treat" means commercial feed intended for pets that:
(a) is not intended to provide complete and balanced nutrition; and
(b) is fed intermittently for training, reward, enjoyment, or other purposes.
(20) "Pharmaceutical" means a product prescribed for the treatment or prevention of disease for veterinary purposes, including:
(a) a vaccine;
(b) a synthetic or natural hormone;
(c) an anesthetic;
(d) a stimulant; or
(e) a depressant.
(21) "Product name" means the name of the commercial feed that:
(a) identifies the kind, class, or specific use of the commercial feed; and
(b) distinguishes the commercial feed from all other products bearing the same brand name.
(22) "Quantity statement" means the net weight in mass, liquid measurement, or count.
(23) "Remedy" means:
(a) a drug;
(b) a combination of drugs;
(c) a pharmaceutical;
(d) a proprietary medicine;
(e) a veterinary biologic; or
(f) a combination of drugs and other ingredients.

(24) "Specialty pet" means any animal normally maintained in a household for nonproduction purposes, including rodents, ornamental birds, ornamental fish, reptiles, amphibians, ferrets, hedgehogs, marsupials, and rabbits.
(25) "Specialty pet food" means a commercial feed prepared and distributed for consumption by a specialty pet.
(26) "Ton" means a net weight of 2,000 pounds avoirdupois.
(27) "Veterinary biologic" means a biologic product used for veterinary purposes, including:
(a) an antibiotic;
(b) an antiparasiticide;
(c) a growth promotant; or
(d) a bioculture product.

Amended by Chapter 528, 2023 General Session

4-12-103 Department authorized to make and enforce rules -- Cooperation with state and federal agencies authorized.

(1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules to administer and enforce this chapter and may cooperate with, or enter into agreements with, other agencies of this state, other states, and agencies of the United States in the administration and enforcement of this chapter.
(2) The department shall by rule adopt the following, unless the department determines that they are inconsistent with the provisions of this chapter or are not appropriate to conditions that exist in this state:
(a) the Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization; and
(b) any federal regulation made pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, U.S.C. Sec. 301 et seq., unless the department does not have the authority under this chapter to make a corresponding rule.

Renumbered and Amended by Chapter 355, 2018 General Session

4-12-104 Distribution of commercial and customer-formula feed -- Registration or license required -- Application -- Fees -- Expiration -- Renewal.

(1) A home-produced pet treat:
(a) is exempt from Subsections (2), (4), (5)(a), and (6)(a); and
(b) is required to comply with Section 4-12-105.5.
(2)
(a) A person may not distribute a commercial feed in this state without a registration from the department.
(b) Except as provided by Subsection (4)(a), a person shall apply for a registration from the department for each brand name of commercial feed by:
(i) submitting forms prescribed and furnished by the department; and
(ii) paying an annual registration fee, determined by the department pursuant to Subsection 4-2-103(2).
(c) Upon receipt of the appropriate application forms and fee payment, the commissioner shall issue a registration to the applicant allowing the applicant to distribute the registered

commercial feed in this state through December 31 of the year in which the registration is issued, subject to suspension or revocation for cause.

(3)

(a) Subject to Subsection (3)(b) the department may:

(i) refuse registration to any commercial feed found to not be in compliance with this chapter; and

(ii) cancel the registration of any commercial feed found to not be in compliance with this chapter.

(b) A registration may not be refused or canceled unless the department gives the registrant an opportunity to:

(i) be heard before the department; and

(ii) amend the registrant's application in order to comply with the requirements of this chapter.

(4)

(a) A person who distributes customer-formula feed is not required to register the feed, but is required to obtain a license from the department before distribution.

(b) A person shall apply for a license to distribute customer-formula feed from the department by:

(i) submitting forms prescribed and furnished by the department; and

(ii) paying an annual license fee, determined by the department pursuant to Subsection 4-2-103(2).

(c) Upon receipt of the appropriate application forms and fee payment, the commissioner shall issue a license to the applicant allowing the applicant to distribute customer-formula feed in this state through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.

(5)

(a) Each commercial feed registration is renewable for a period of one year upon the payment of an annual registration renewal fee in an amount equal to the current applicable original registration fee.

(b) Each registration renewal fee shall be paid on or before December 31 of each year.

(6)

(a) Each customer-formula feed license is renewable for a period of one year upon the payment of an annual license renewal fee in an amount equal to the current applicable original license fee.

(b) Each license renewal fee shall be paid on or before December 31 of each year.

Amended by Chapter 528, 2023 General Session

4-12-105 Labeling requirements for commercial and customer-formula feed specified.

(1) A home-produced pet treat:

(a) is exempt from the provisions of this section, other than Subsection (3); and

(b) is required to comply with Section 4-12-105.5.

(2) Except for customer-formula feed, each container of commercial feed distributed in this state shall bear a label specifying:

(a) the name and principal mailing address of the manufacturer, distributor, or registrant;

(b) the product name and brand name, if any, under which the commercial feed is distributed;

(c) the common name of each feed ingredient used in the commercial feed, stated in the manner prescribed by rule of the department, unless the department finds that a full statement of ingredients is not required to serve the interests of a consumer;

(d) the guaranteed analysis of the feed, expressed on an as-is basis:

(i) advising the user of the feed composition; or
(ii) supporting claims made in the labeling;
(e) a quantity statement for the feed;
(f) the lot number or some other means of lot identification;
(g) adequate direction for the feed's safe and effective use; and
(h) precautionary statements, if necessary, or any information prescribed by rule of the department considered necessary for the safe and effective use of the feed.
(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may by rule authorize a label to use a collective term for a group of ingredients that perform a similar function.
(4)
(a) Except for customer-formula feed, each bulk shipment of commercial feed distributed in this state shall be accompanied by a printed or written statement specifying the information in Subsections (2)(a) through (h).
(b) The statement shall be delivered to the purchaser at the time the bulk feed is delivered.
(5) Each container or bulk shipment of customer-formula feed distributed in this state shall be accompanied by a label, invoice, delivery slip, or other shipping document specifying:
(a) the name and principal mailing address of the manufacturer;
(b) the name and principal mailing address of the purchaser;
(c) the date of delivery;
(d) the product name of each commercial feed;
(e) the quantity statement of each commercial feed;
(f) the net weight for each ingredient used that is not a commercial feed;
(g) except as provided in Subsection (6), the quantity statement of each ingredient used in the mixture, stated in terms the department determines necessary to advise the user of the feed composition or to support claims made on the label;
(h) directions for the feed's use;
(i) precautionary statements, if applicable; and
(j) any information considered necessary for the safe and effective use of the customer-formula feed as prescribed by rule of the department.
(6) If the manufacturer of a customer-formula feed intends to protect a proprietary formula, the information required by Subsection (5)(g) may be substituted with a guaranteed analysis of each nutritional component the feed intends to deliver, stated in terms the department determines necessary to advise the user of the feed composition.
(7) If a customer-formula feed contains a drug, the label shall include the:
(a) purpose of the medication;
(b) established name of each active drug ingredient; and
(c) amount of each drug included in the final mixture, expressed by weight, grams per ton, or milligrams per pound.

Amended by Chapter 528, 2023 General Session

4-12-105.5 Labeling and registration requirements for home-produced pet treats specified.
(1) Each container of home-produced pet treats distributed in the state shall have a label specifying:
(a) the name and principal mailing address of the manufacturer or registrant;
(b) the text "Assorted Pet Treats" and the brand name, if any, under which the pet treat is distributed;

(c) the common name of each ingredient used in the pet treat, in descending order, by predominance based on weight;
(d) a quantity statement for the treat;
(e) adequate direction for the treat's safe and effective use, if necessary; and
(f) precautionary statements, if necessary.
(2)
(a) A home-produced pet treat:
(i) shall be registered as an "Assorted Pet Treat";
(ii) shall include a label with the registered name;
(iii) may not be distributed outside of the state; and
(iv) is restricted to retail sales only.
(b) A registration described in Subsection (2)(a)(i) covers all versions of a home-produced pet treat.

Enacted by Chapter 528, 2023 General Session

4-12-106 Enforcement -- Inspection and samples authorized -- Methods for sampling and analysis prescribed -- Results to be forwarded to registrant or licensee -- Warrants.
(1) In order to determine compliance with this chapter, the department:
(a) shall periodically sample, inspect, analyze, and test commercial feeds distributed within this state;
(b) may enter during normal business hours, within reasonable limits, and in a reasonable manner, any:
(i) factory;
(ii) warehouse; or
(iii) establishment in which commercial feed is manufactured, processed, packed, or held for distribution; and
(c) may enter any vehicle used to transport or hold commercial feed in order to inspect:
(i) equipment;
(ii) finished and unfinished materials;
(iii) containers;
(iv) records; and
(v) labels.
(2) The department's methods for sampling and for analyses of feed ingredients, mineral ingredients, or other ingredients, or for analyses of customer-formula feeds, shall be in accordance with methods published by the Association of Official Analytical Chemists or other generally recognized methods.
(3) The official sample shall guide the department in determining whether a commercial feed is misbranded, adulterated, or otherwise deficient.
(4) The department shall:
(a) forward the results of all tests of official samples to the manufacturer, distributer, licensee, or registrant using the address specified on the container, label, or on the written statement or invoice; and
(b) furnish to the manufacturer, distributer, licensee, or registrant part of any official sample that the department determines is misbranded or adulterated upon written request to the department by the manufacturer, distributer, licensee, or registrant within 30 days after receipt of the unsatisfactory test results.

(5) If the department is refused admittance authorized by Subsections (1)(b) and (1)(c), the department may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making inspections and obtaining samples.

Renumbered and Amended by Chapter 355, 2018 General Session

4-12-107 Suspension or revocation authorized -- Refusal to register or issue license authorized -- Grounds -- Stop sale, use, or removal order authorized -- Court action -- Procedure -- Costs.

(1) Upon satisfactory evidence that a manufacturer, distributer, licensee, or registrant has used fraudulent or deceptive practices in the registration, licensing, or distribution of a commercial feed or customer-formula feed, the department may:
  (a) suspend or revoke the registration or license of any brand name of commercial feed or customer-formula feed; or
  (b) refuse to register or license any brand name or product of commercial feed or customer-formula feed.
(2)
  (a) The department may issue a "stop sale, use, or removal order" to the distributor or owner of any commercial feed or lot of commercial feed that it finds or has reason to believe is misbranded, adulterated, or otherwise in violation of this chapter.
  (b) The order described in Subsection (2)(a) shall be in writing and no commercial feed subject to the order shall be moved, offered, or exposed for sale, except upon subsequent written release by the department.
  (c) Before an order release is issued, the department may require the distributor or owner of the "stopped" commercial feed or lot of commercial feed to pay the expense incurred by the department in connection with the withdrawal of the product from the market.
(3)
  (a) The department is authorized in a court of competent jurisdiction to seek:
    (i) an order of seizure or condemnation of a commercial feed;
    (ii) a temporary restraining order; or
    (iii) a permanent injunction to prevent the violation of this chapter.
  (b) No bond shall be required of the department in an injunctive proceeding brought under this section.
(4) If the court orders condemnation of a commercial feed, the commercial feed shall be disposed of as the court directs, provided the order gives the manufacturer, distributor, licensee, or registrant an opportunity to apply to the court for permission to:
  (a) relabel, reprocess, or otherwise bring the commercial feed into conformance with this chapter and administrative rules; or
  (b) remove the commercial feed from the state.
(5) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the commercial feed.

Renumbered and Amended by Chapter 355, 2018 General Session

4-12-108 Unlawful acts specified.

A person in this state may not:
(1) manufacture or distribute adulterated or misbranded commercial feed;

(2) adulterate or misbrand any commercial feed;
(3) distribute agricultural products such as whole seed, hay, straw, stover, silage, cobs, husks, or bulbs that are adulterated;
(4) remove or dispose of any commercial feed in violation of a "stop sale, use, or removal order";
(5) distribute any commercial feed that is not registered or any customer-formula feed that is not licensed; or
(6) reuse a bag or tote previously used for commercial feed, including customer-formula feed, unless the user:
(a) appropriately cleans the bag or tote; and
(b) documents the clean-out procedure used on the bag or tote.

Renumbered and Amended by Chapter 355, 2018 General Session

Chapter 13
Utah Plant Food Act

4-13-102 Definitions.

As used in this chapter:
(1) "Adulterated" means a plant food that:
(a) contains a deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with the directions for use on the label;
(b) has a composition that falls below or differs from that which the composition is purported to possess by the composition's labeling;
(c) contains unwanted crop or weed seed; or
(d) exceeds levels of metals permitted by the United States Environmental Protection Agency.
(2) "Beneficial substance" means a substance or compound, other than a primary nutrient, secondary nutrient, or micro plant nutrient, and excluding a pesticide, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil, or media.
(3) "Blender" means a person engaged in the business of blending or mixing plant food.
(4) "Brand" means a term, design, or trade mark used in connection with one or several grades of plant food.
(5) "Bulk" means plant food delivered to a purchaser in a non-packaged form.
(6) "Custom blend" means a plant food blended according to specification provided to a blender in a soil test nutrient recommendation or to meet the specific consumer request before blending.
(7) "Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed.
(8) "Derivation" means the source from which the guaranteed nutrients are derived.
(9) "Distribute" means to offer for sale, sell, exchange, or barter plant food.
(10) "Distributor" means a person who distributes.
(11) "Fertilizer" means a substance that contains one or more recognized plant nutrients that is used for the substance's plant nutrient content and is designed for use or claimed to have value in promoting plant growth, exclusive of unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by rule.
(12) "Fertilizer material" means a fertilizer that contains:
(a) quantities of no more than one of the primary plant nutrients, nitrogen (N), phosphate (P2O5), Potash (K2O);

(b) 85% plant nutrients in the form of a single chemical compound; or
(c) plant or animal residues or by-products, or a natural material deposit that is processed so that its primary plant nutrients have not been materially changed, except through purification and concentration.
(13) "Grade" means the percentage of total nitrogen, available phosphate and soluble potash stated in the same terms, order, and percentages as in the guaranteed analysis.
(14)
(a) "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed in the following order and form:

Total Nitrogen (N) ____ percent
Available Phosphate (P2O5) ____ percent
Soluble Potash (K2O) ____ percent

(b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and other organic phosphate or degree of fineness may also be guaranteed.
(c)
(i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium may be permitted or required by rule of the department.
(ii) The guarantees for such other nutrients shall be expressed in the form of the element.
(iii) The sources of such other nutrients, such as oxides, salt, chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label.
(iv) Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the department.
(v) Any plant nutrients or other substances or compounds guaranteed are subject to inspection and analysis in accord with the methods and rules prescribed by the department.
(15) "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of plant food.
(16) "Label" means the display of the written, printed, or graphic matter upon the immediate container or statement accompanying plant food.
(17) "Labeling" means the written, printed, or graphic matter upon or accompanying plant food, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of plant food.
(18) "Lot" means a definite quantity identified by a combination of numbers, letters, characters, or amount represented by a weight certificate from which every part is uniform within recognized tolerances from which the distributor can be determined.
(19) "Micro plant nutrient" means boron, chlorine, cobalt, copper, iron, manganese, molybdenum, nickel, sodium, and zinc.
(20) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.
(21) "Official sample" means a sample of plant food taken by the department and designated as "official."
(22) "Percent" or "percentage" means the percentage by weight.
(23) "Plant amendment" means a substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants except fertilizer, soil amendments, agricultural liming materials, animal and vegetable manure, pesticides, or plant regulators.

(24) "Plant biostimulant" means a substance, microorganism, or mixture of a substance and microorganism, that, when applied to seeds, plants, the rhizosphere, soil, or other growth media, act to support a plant's natural nutrition processes independently of the biostimulant's nutrient content, and thereby improving:
  (a) nutrient availability;
  (b) uptake;
  (c) use efficiency;
  (d) tolerance to abiotic stress; and
  (e) consequent growth, development, quality, or yield.
(25) "Plant food" means a fertilizer, soil amendment, beneficial substance, plant amendment, plant biostimulant, plant inoculant, soil inoculant, or any combination of these products.
(26) "Plant inoculant" means a product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.
(27) "Primary nutrient" includes total nitrogen, available phosphate, and soluble potash.
(28) "Registrant" means a person who registers a plant food under this chapter.
(29) "Secondary nutrient" includes calcium, magnesium, and sulfur.
(30) "Soil amending ingredient" means a substance that will improve the physical, chemical, biochemical, biological, or other characteristics of the soil.
(31) "Soil amendment" means a substance or a mixture of substances that is intended to improve the physical, chemical, biochemical, biological, or other characteristics of the soil, except fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, or pesticides.
(32) "Soil inoculant" means a microbial product that is applied to colonize the soil to benefit the soil chemistry, biology, or structure.
(33) "Specialty fertilizer" means fertilizer distributed primarily for non-farm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.
(34) "Ton" means a net weight of 2,000 pounds avoirdupois.

Amended by Chapter 91, 2025 General Session

4-13-103 Distribution of plant food -- Registration required -- Application -- Fees -- Expiration -- Renewal -- Exemptions specified -- Blenders and mixers.
(1)
  (a) Before a plant food is distributed in this state, a person shall register the brand and grade of the plant food in the name of the person whose name appears upon the label of the plant food.
  (b) A person shall submit an application for registration to the department on a form prescribed and furnished by the department, and shall accompany the application with payment of a fee determined by the department pursuant to Subsection 4-2-103(2) for each brand and grade.
  (c) Upon approval by the department, the department shall furnish a copy of the registration to the applicant.
  (d)
    (i) A registration expires at midnight on December 31 of the year in which issued.
    (ii) A registration is renewable for a period of one year upon the payment of an annual registration renewal fee in an amount equal to the current applicable original registration fee.
    (iii) A person shall pay the renewal fee on or before December 31 of each year.

(2) A distributor is not required to register plant food that has been registered by another person under this chapter if the label does not differ in any respect.
(3)
(a) A blender is not required to register each grade of plant food formulated according to specifications provided by a consumer before mixing, but is required to:
(i) license the name under which the business of blending or mixing is conducted;
(ii) pay an annual blenders license fee determined by the department pursuant to Subsection 4-2-103(2); and
(iii) label the plant food as provided in Section 4-13-104.
(b)
(i) A blenders license expires at midnight on December 31 of the year in which the license is issued.
(ii) A blenders license is renewable for a period of one year upon the payment of an annual license renewal fee in an amount equal to the current applicable original blenders license fee.
(iii) A renewal fee shall be paid on or before December 31 of each year.
(4)
(a) The department shall assess a tonnage fee on fertilizer products sold in the state.
(b) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).
(c) When more than one person is involved in the distribution of a fertilizer, the final person who has the fertilizer registered and distributed to a non-registrant or consumer is responsible for reporting the tonnage and paying the tonnage fee, unless the report and payment is made by a prior distributor of the fertilizer.
(d) A person shall submit the tonnage report on a form provided by the department on or before December 31 annually covering shipments made during the preceding 12-month period from November 1 to October 31.
(e) Revenue generated by the fee shall be deposited into the General Fund as dedicated credits to be used by the department for education and research about and promotion of proper plant food distribution, handling, and use.

Amended by Chapter 91, 2025 General Session

4-13-104 Labeling requirements for fertilizer and soil amendments specified.
(1) A container of fertilizer distributed in this state shall bear a label in clearly legible and conspicuous form setting forth the:
(a) brand name and grade;
(b) guaranteed analysis, except that:
(i) sources of nutrients, when shown on the label, shall be listed below the completed guaranteed analysis in order of predominance;
(ii) guarantees of zeros may not be made and may not appear in statement except in nutrient guarantee breakdowns; and
(iii) if chemical forms of nitrogen are claimed or required, the form shall be shown, but no implied order of the forms of nitrogen is intended;
(c) subject to Subsection (12), derivation statement of guaranteed nutrients if present;
(d) directions for use when applicable;
(e) caution or warning statement when applicable;
(f) name and address of the registrant or the manufacturer, if different from the registrant;
(g) net weight or volume; and

(h) lot number.

(2) A container of specialty fertilizer distributed in this state shall bear a label in clear, legible, and conspicuous form setting forth the information specified in Subsections (1)(a) through (h).

(3) A shipment of custom blend fertilizer shall be accompanied by a printed or written statement setting forth the:

(a) information specified in Subsections (1)(a) through (c);

(b) name and address of the licensed blender;

(c) net weight or volume; and

(d) lot number.

(4) A person who ships fertilizer material shall accompany the shipment of fertilizer material with a printed or written statement setting forth the:

(a) information specified in Subsections (1)(a) through (c);

(b) name and address of the registrant if different from the supplier or shipper;

(c) net weight or volume; and

(d) lot number.

(5) A soil amendment or beneficial substance distributed in the state shall bear a label in clearly legible and conspicuous form setting forth:

(a) the brand name;

(b) a statement of composition showing the amount of each non-nutritive ingredient, that is the agent in a product primarily responsible for the intended effects using the following format:

(i) for a soil amendment:

SOIL AMENDING INGREDIENTS

1. Name of the ingredient	% or other acceptable units

(ii) for a beneficial substance:

CONTAINS BENEFICIAL SUBSTANCE(S)

1. Name of beneficial substance	% or other acceptable units
2. Genus and species of microorganism	viable CFU/cm3,/mL,/g, or other acceptable units
3. Name of the ingredient	% or other acceptable units
(Substances shall include ingredient source, if applicable. Ex. humic acid from leonardite or saponin from Yucca schidigera)	

(c) the purpose of product;

(d) the direction for application;

(e) the caution or warning statement when applicable;

(f) the name and address of the registrant or the manufacturer, if different from the registrant; and

(g) the net weight or volume.

(6) In case of a bulk shipment, the information required by Subsection (5) in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

(7) The grade is not required on a fertilizer label when no primary nutrients are claimed or are less than 1%.

(8) Additional nutrient guarantees may not be an extension of the grade statement and shall be a separate line or include terms such as "plus," "with," or "including."

(9) The department may require proof of claims made, usefulness, and value of the soil amendments.

(10) Information or a statement may not appear on a package, label, delivery slip, or advertising matter that is false or misleading to the purchaser as to the use, value, quality, analysis, type, or composition of the plant food.
(11) A plant food is misbranded if:
(a) the labeling is false or misleading in any particular;
(b) the plant food is distributed under the name of another plant food product;
(c) the plant food is not labeled as required; or
(d) the plant food purports to be or is represented as plant food, or is represented as containing an ingredient that does not conform with the definition of identity or any commonly accepted definitions of official fertilizer terms.
(12) An abbreviation, brand name, trade mark, or trade name may not appear in a derivation statement.

Amended by Chapter 91, 2025 General Session

4-13-105 Enforcement -- Inspection and samples authorized -- Methods for sampling and analysis prescribed -- Warrants.
(1) The department shall periodically sample, inspect, analyze, and test plant food distributed within this state to determine whether the plant food complies with this chapter.
(2)
(a) The methods of sampling and analysis shall be those adopted by the AOAC International.
(b) In a case not covered by the methods adopted under Subsection (2)(a), or in a case when a method is available in which improved applicability has been demonstrated, the department may adopt appropriate methods from other sources.
(3) In determining whether a plant food is deficient, the department shall be guided solely by the official sample.
(4)
(a) The department may enter any public or private premises or carriers during regular business hours to have access to plant food and records relating to the distribution of plant food subject to this chapter.
(b) If admittance is refused, the department may proceed immediately to obtain an ex parte warrant from the nearest court with jurisdiction to allow entry upon the premises for the purpose of making inspections and obtaining samples.
(5) The department shall distribute the results of an official sample.
(6) The department shall retain an official sample for a minimum of 90 days from the issuance of a report.

Amended by Chapter 91, 2025 General Session

4-13-106 Distribution of plant food not complying with labeling requirements prohibited -- Penalty assessed -- Court action to vacate or amend finding authorized -- Adulterated plant food.
(1) A person may not distribute in this state a plant food if the official sample of the plant food establishes that the plant food is deficient in the nutrients or ingredients guaranteed on the label by an amount exceeding the values established by rule.
(2) The department shall evaluate and take administrative action the department prescribes for a deficiency beyond the investigational allowances established by the department.

(3) A registrant aggrieved by the finding of an official sample deficiency may file a complaint with a court with jurisdiction to vacate or amend the finding of the department.
(4) A person may not distribute in this state a plant food that is adulterated.

Amended by Chapter 91, 2025 General Session

4-13-108 Denial, suspension, or revocation authorized -- Grounds -- Stop sale, use, or removal order authorized -- Court action -- Procedure -- Costs.

(1) The department may deny, revoke, or suspend the license for a blender or the registration of a brand of plant food upon satisfactory evidence that the licensee or registrant has used fraudulent or deceptive practices in licensure, registration, or distribution in this state.
(2)
  (a) The department may issue a "stop sale, use, or removal order" to the owner or person in possession of any designated lot of plant food that the department finds or has reason to believe is being offered or exposed for sale in violation of this chapter.
  (b) The order shall be in writing and plant food subject to the order may not be moved or offered or exposed for sale, except upon the subsequent written release of the department.
  (c) Before a release is issued, the department may require the owner or person in possession of the "stopped" lot to pay the expense incurred by the department in connection with the withdrawal of the product from the market.
(3)
  (a) The department may seek in a court with jurisdiction an order of seizure or condemnation of any plant food that violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction, to prevent violation of this chapter.
  (b) A bond may not be required of the department in any injunctive proceeding under this section.
(4) If condemnation is ordered, the plant food shall be disposed of as the court directs, except that the court may not order condemnation without giving the claimant of the plant food an opportunity to apply to the court for permission to relabel, reprocess, or otherwise bring the product into conformance, or to remove the plant food from the state.
(5) If the court orders condemnation of the plant food, court costs, fees, storage, and other expenses shall be awarded against the claimant of the plant food.

Amended by Chapter 91, 2025 General Session

4-13-109 Sales or exchanges of plant food between manufacturers, importers, or manipulators permitted.

This chapter may not be construed to restrict or avoid sales or exchanges of plant food to each other by importers, manufacturers, or manipulators who mix plant food materials for sale or as preventing the free and unrestricted shipment of plant food to manufacturers or manipulators who have registered their brands as required by this chapter.

Amended by Chapter 91, 2025 General Session

4-13-110 Department may make and enforce rules -- Cooperation with state and federal agencies authorized.

(1)
  (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce the rules to administer and enforce this chapter.

(b) The department shall by rule adopt the official terms, tables, definitions, and statements adopted by the Association of American Plant Food Control officials and published in the official publications of that organization.

(2) The department may enter into agreements with other agencies of the state, other states, and agencies of the federal government to administer and enforce this chapter.

Amended by Chapter 91, 2025 General Session

Chapter 14
Utah Pesticide Control Act

4-14-101 Title.

This chapter is known as the "Utah Pesticide Control Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-102 Definitions.

As used in this chapter:

(1) "Active ingredient" means an ingredient that:
(a) prevents, destroys, repels, controls, or mitigates pests; or
(b) acts as a plant regulator, defoliant, or desiccant.

(2) "Adulterated pesticide" means a pesticide with a strength or purity that is below the standard of quality expressed on the label under which the pesticide is offered for sale.

(3) "Animal" means all vertebrate or invertebrate species.

(4) "Beneficial insect" means an insect that is:
(a) an effective pollinator of plants;
(b) a parasite or predator of pests; or
(c) otherwise beneficial.

(5) "Certified applicator" means an individual who is licensed by the department to apply:
(a) a restricted use pesticide; or
(b) a general use pesticide for hire or in exchange for compensation.

(6) "Certified qualified applicator" means a certified applicator who is eligible to act as a qualifying party.

(7) "Defoliant" means a substance or mixture intended to cause leaves or foliage to drop from a plant, with or without causing abscission.

(8) "Desiccant" means a substance or mixture intended to artificially accelerate the drying of plant or animal tissue.

(9) "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive, deliver, or offer to deliver pesticides in this state.

(10) "Environment" means all living plants and animals, water, air, land, and the interrelationships that exist between them.

(11)
(a) "Equipment" means any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power to apply a pesticide.

(b) "Equipment" does not mean any pressurized hand-sized household apparatus used to apply a pesticide or any equipment or contrivance used to apply a pesticide that is dependent solely upon energy expelled by the person making the pesticide application.

(12) "EPA" means the United States Environmental Protection Agency.

(13) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act.

(14)

(a) "Fungus" means a nonchlorophyll-bearing thallophyte or a nonchlorophyll-bearing plant of an order lower than mosses and liverworts, including rust, smut, mildew, mold, yeast, and bacteria.

(b) "Fungus" does not include fungus existing on or in:

(i) a living person or other animal; or

(ii) processed food, beverages, or pharmaceuticals.

(15) "Herbicide" means a substance that is toxic to plants and is used to control or eliminate unwanted vegetation.

(16) "Insect" means an invertebrate animal generally having a more or less obviously segmented body:

(a) usually belonging to the Class Insecta, comprising six-legged, usually winged forms, including beetles, bugs, bees, and flies; and

(b) allied classes of arthropods that are wingless usually having more than six legs, including spiders, mites, ticks, centipedes, and wood lice.

(17) "Label" means any written, printed, or graphic matter on, or attached to, a pesticide or a container or wrapper of a pesticide.

(18)

(a) "Labeling" means all labels and all other written, printed, or graphic matter:

(i) accompanying a pesticide or equipment; or

(ii) to which reference is made on the label or in literature accompanying a pesticide or equipment.

(b) "Labeling" does not include any written, printed, or graphic matter created by the EPA, the United States Departments of Agriculture or Interior, the United States Department of Health, Education, and Welfare, state experimental stations, state agricultural colleges, and other federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(19) "Land" means land, water, air, and plants, animals, structures, buildings, contrivances, and machinery appurtenant or situated thereon, whether fixed or mobile, including any used for transportation.

(20) "Misbranded" means any label or labeling that is false or misleading or that does not strictly comport with the label and labeling requirements set forth in Section 4-14-104.

(21) "Misuse" means use of any pesticide in a manner inconsistent with the pesticide's label or labeling.

(22) "Nematode" means invertebrate animals of the Phylum Nemathelminthes and Class Nematoda, including unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, also known as nemas or eelworms.

(23) "Ornamental and turf pest control" means the use of a pesticide to control ornamental and turf pests in the maintenance and protection of ornamental trees, shrubs, flowers, or turf.

(24)

(a) "Pest" means:

(i) any insect, rodent, nematode, fungus, weed; or

(ii) any other form of terrestrial or aquatic plant or animal life, virus, bacteria, or other microorganism that is injurious to health or to the environment or that the department declares to be a pest.

(b) "Pest" does not include:

(i) viruses, bacteria, or other microorganisms on or in a living person or other living animal; or

(ii) protected wildlife species identified in Section 23A-1-101 that are regulated by the Division of Wildlife Resources in accordance with Sections 23A-2-102, 23A-2-201, 23A-2-301, 23A-2-302, and 23A-2-303.

(25) "Pesticide" means any:

(a) substance or mixture of substances, including a living organism, that is intended to prevent, destroy, control, repel, attract, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed, or other form of plant or animal life that is normally considered to be a pest or that the commissioner declares to be a pest;

(b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, or emulsifying agent with deflocculating properties of its own used with a pesticide to aid the pesticide's application or effect; and

(d) any other substance designated by the department by rule.

(26) "Pesticide applicator" is a person who:

(a) applies or supervises the application of a pesticide; and

(b) is required by this chapter to have a license.

(27)

(a) "Pesticide applicator business" means an entity that:

(i) is authorized to do business in this state; and

(ii) offers pesticide application services.

(b) "Pesticide applicator business" does not include an individual licensed agricultural applicator who may work for hire.

(28) "Pesticide dealer" means any person who distributes restricted use pesticides.

(29)

(a) "Plant regulator" means any substance or mixture intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or otherwise alter the behavior of ornamental or crop plants.

(b) "Plant regulator" does not include plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(30) "Qualifying party" means a certified qualified applicator who is the owner or employee of a pesticide applicator business and who is registered with the department as the individual responsible for ensuring the training, equipping, and supervision of all pesticide applicators who work for the pesticide applicator business.

(31) "Restricted use pesticide" means:

(a) a pesticide, including a highly toxic pesticide, that is a serious hazard to beneficial insects, animals, or land; or

(b) any pesticide or pesticide use restricted by the administrator of EPA or by the commissioner.

(32) "Spot treatment" means the limited application of an herbicide to an area that is no more than 5% of the potential treatment area or one-twentieth of an acre, whichever is smaller, using equipment that is designed to contain no more than five gallons of mixture.

(33) "Weed" means any plant that grows where not wanted.

(34) "Wildlife" means all living things that are neither human, domesticated, nor pests.

Amended by Chapter 34, 2023 General Session

4-14-103 Registration required for distribution -- Application -- Fees -- Renewal -- Local needs registration -- Distributor or applicator license -- Fees -- Renewal.

(1)
(a) A person that is not registered with the department may not distribute a pesticide in this state.
(b) Application for registration shall be made to the department upon forms prescribed and furnished by the department accompanied with an annual registration fee determined by the department pursuant to Subsection 4-2-103(2) for each pesticide registered.
(c) Upon receipt by the department of a proper application and payment of the appropriate fee, the commissioner shall issue a registration to the applicant allowing distribution of the registered pesticide in this state through June 30 of each year, subject to suspension or revocation for cause.
(d)
(i) Each registration is renewable for a period of one year upon the payment of an annual registration renewal fee in an amount equal to the current applicable original registration fee.
(ii) Each renewal fee shall be paid on or before June 30 of each year.

(2) The application shall include the following information:
(a) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name;
(b) the name of the pesticide;
(c) a complete copy of the label that will appear on the pesticide; and
(d) any information prescribed by rule of the department considered necessary for the safe and effective use of the pesticide.

(3)
(a) Except as provided in Subsection (3)(b), forms for the renewal of registration shall be emailed to registrants at least 30 days before the day on which the registrant's registration expires.
(b) If a registrant requests to receive forms for the renewal of registration by mail, the department shall mail the forms to the registrant at least 30 days before the day on which the registrant's registration expires.
(c) A registration in effect on June 30 for which a renewal application has been filed and the registration fee tendered shall continue in effect until the applicant is notified either that the registration is renewed or that the registration is suspended or revoked pursuant to Section 4-14-108.

(4) The department may, before approval of any registration, require the applicant to submit the complete formula of any pesticide, including active and inert ingredients, and may also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on which restrictions are being considered, require a complete description of all tests and test results that support the claims made by the applicant or the manufacturer of the pesticide.

(5) A registrant who desires to register a pesticide to meet special local needs according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and (2), satisfy the department that:
(a) a special local need exists;
(b) the pesticide warrants the claims made for the pesticide;
(c) the pesticide, if used in accordance with commonly accepted practices, will not cause unreasonable adverse effects on the environment; and
(d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).

(6) A registration is not required for a pesticide distributed in this state pursuant to an experimental use permit issued by the EPA or under Section 4-14-105.
(7) A pesticide dealer may not distribute a restricted use pesticide in this state without a license.
(8) A person shall receive a license before applying:
  (a) a restricted use pesticide; or
  (b) a general use pesticide for hire or in exchange for compensation.
(9)
  (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained by:
    (i) submitting an application on a form provided by the department;
    (ii) showing evidence of competence in the pesticide profession, as established by rule, and complying with the rules adopted by the department under this chapter;
    (iii) demonstrating good character;
    (iv) having no outstanding infractions and owing no money to the department; and
    (v) paying the license fee determined by the department according to Subsection 4-2-103(2).
  (b) A person may apply for a triennial license that expires on December 31 of the second calendar year after the calendar year in which the license is issued.
  (c) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits and may only use the fees to administer and enforce this title.

Amended by Chapter 79, 2022 General Session
Renumbered and Amended by Chapter 345, 2017 General Session

4-14-104 Labeling requirement for pesticides specified.
(1) Each container of pesticide distributed in this state shall bear a label setting forth:
  (a) the name, brand, or trademark under which the pesticide is distributed;
  (b) subject to Subsection (2), an accurate statement of the ingredients on:
    (i) the part of the immediate container that is presented or displayed under customary conditions of purchase; and
    (ii) on the outside container and wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read;
  (c) a warning or caution statement if necessary, which, if complied with together with any requirements imposed under Section 3(d) of FIFRA, is adequate to protect health and the environment;
  (d) the net weight or measure of the content;
  (e) the name and address of the manufacturer, registrant, or person for whom manufactured;
  (f) the EPA registration number assigned to each establishment in which the pesticide was produced and the EPA registration number assigned to the pesticide, if required by regulations under FIFRA;
  (g) the federal use classification under which the pesticide is registered or designated for "experimental use only"; and
  (h) directions for use of the pesticide sufficient to carry out the purposes for which the product is intended and which, if complied with together with any requirements imposed under Section 3(d) of FIFRA, are adequate to protect health and the environment.
(2) An ingredient statement may appear prominently on another part of a container, as permitted under Section 2(q)(2)(A) of FIFRA, if the size or form of the container makes it impractical to place the ingredient statement on the part of the retail package that is presented or displayed under customary conditions of purchase.
(3) If the pesticide is highly toxic the label shall, in addition to the other label requirements, display:

(a) the skull and crossbones;
(b) the word "POISON" in red prominently displayed on a background of distinctly contrasting color; and
(c) a statement of a practical treatment, first aid or otherwise, in case of poisoning by the pesticide.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-105 Issuance of experimental use permits -- Application -- Terms and conditions for issuance.

(1) The department upon application may:
(a) issue an experimental use permit to any person if the department determines that the applicant needs such a permit in order to accumulate information necessary to register a pesticide under Section 4-14-103; or
(b) refuse to issue an experimental permit if the department determines that issuance is not warranted or that the pesticide use to be made under the proposed terms and conditions may cause unreasonable adverse effects on the environment.
(2) The department may also with respect to issuance of an experimental use permit:
(a) prescribe the terms and conditions for the conduct of the experimental use that in all events shall be under the supervision of the department; and
(b) revoke or modify any experimental use permit if the department determines that the terms or conditions of the experimental use are being violated, or that the terms and conditions prescribed are inadequate to avoid unreasonable adverse effects to the environment.
(3) Application for an experimental use permit may be made before, after, or simultaneously with an application for registration.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-106 Department authorized to make and enforce rules.

The department may, by following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to:
(1) declare as a pest any form of plant or animal life that is injurious to health or the environment, except:
(a) a human being; or
(b) a bacteria, virus, or other microorganism on or in a living person or animal;
(2) establish, in accordance with the regulations issued by the EPA under 7 U.S.C. Sec. 136w(c)(2), whether pesticides registered for special local needs under the authority of 7 U.S.C. Sec. 136v(c) are highly toxic to man;
(3) establish, consistent with EPA regulations, that certain pesticides or quantities of substances contained in these pesticides are injurious to the environment;
(4) adopt a list of "restricted use pesticides" for the state or designated areas within the state if the department determines upon substantial evidence presented at a public hearing that restricted use is necessary to prevent damage to property or to the environment;
(5) establish qualifications for a pesticide applicator business; and
(6) adopt any rule, not inconsistent with federal regulations issued under FIFRA, considered necessary to administer and enforce this chapter, including rules relating to the sale, distribution, use, and disposition of pesticides if necessary to prevent damage and to protect the public health.

Amended by Chapter 154, 2020 General Session

4-14-107 Enforcement -- Inspection and sampling authorized -- Notice of deficiency to be given registrant -- Objects of inspection delineated -- Warrants.

(1) The department, to determine compliance with this chapter, shall periodically:
  (a) sample, inspect, and analyze pesticides distributed within this state;
  (b) observe and investigate the use and application of pesticides within this state; and
  (c) inspect equipment used to apply pesticides in this state to determine if the equipment complies with this chapter.

(2)
  (a) If a pesticide sample, upon analysis, fails to comply with this chapter, the department shall give written notice to that effect to the registrant or owner of the pesticide.
  (b) Nothing in this chapter, however, shall be construed as requiring the department to refer minor violations for criminal prosecution or for the institution of condemnation proceedings if the department believes the public interest will best be served through informal action.

(3) The department, for the purpose of enforcing this section, is authorized at reasonable times to enter any private or public premises for the purpose of:
  (a) inspecting any equipment used in applying pesticides;
  (b) inspecting or sampling lands actually or reported to be exposed to pesticides;
  (c) inspecting storage or disposal areas;
  (d) investigating complaints of injury to animals or lands;
  (e) sampling pesticides wherever located, including in vehicles; or
  (f) observing the use and application of a pesticide.

(4) The department may proceed immediately, if admittance is refused, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for any purpose specified in Subsection (3) of this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-108 Suspension or revocation -- Grounds -- Stop sale, use, or removal order authorized -- Court action -- Procedure -- Award of costs authorized.

(1) The department may revoke or suspend the registration of any pesticide upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the registration of the pesticide or in the pesticide's distribution in this state.

(2)
  (a) The department may issue a "stop sale, use, or removal order" to the owner or distributor of any designated pesticide or lot of pesticide that the department finds or has reason to believe is being offered or exposed for sale in violation of this chapter.
  (b) The order described in Subsection (2)(a) shall be in writing and no pesticide subject to the order shall be moved, offered, or exposed for sale, except upon the subsequent written release by the department.
  (c) Before a release is issued, the department may require the owner or distributor of the "stopped" pesticide or lot to pay the expense incurred by the department in connection with the withdrawal of the product from the market.

(3)

(a) The department is authorized in a court of competent jurisdiction to seek an order of seizure or condemnation of a pesticide that violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to prevent the violation of this chapter.
(b) No bond shall be required of the department in an injunctive proceeding brought under this section.

(4)
(a) Subject to Subsection (4)(b), if condemnation is ordered, the pesticide or equipment shall be disposed of as the court directs.
(b) The department may not order condemnation without giving the registrant or other person an opportunity to apply to the court for permission to relabel, reprocess, or otherwise bring the pesticide into conformance, or for permission to remove the pesticide from the state.

(5) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the pesticide or equipment.

(6) The department may:
(a) deny an application for a pesticide applicator license;
(b) revoke a pesticide applicator license for cause; or
(c) suspend a pesticide applicator license for cause.

(7)
(a) If a pesticide applicator license is revoked or suspended under Subsection (6), the license shall be returned to the department within 14 days of the day on which the licensee received notice of the revocation or suspension.
(b) A licensee who fails to return a license, as described in Subsection (7)(a), may be subjected to an administrative fine of up to $100 for each 14 days the license is not returned.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-109 Examination requirements for license to act as applicator may be waived through reciprocal agreement.

The department may waive any or all examination requirements specified in rule for a noncommercial, commercial, or private pesticide applicator through a reciprocal agreement with another state whose examination requirements and standards for licensure are substantially similar to those of Utah.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-110 Defenses.

(1) As an affirmative defense to any action brought as a result of the alleged misuse or misapplication of a pesticide, a person may present evidence that as of the time of the alleged violation, the person was in compliance with label directions, this chapter, and any rules issued in accordance with this chapter.

(2) A person is not liable for injuries resulting from the misuse or misapplication of a pesticide unless the person was negligent.

Renumbered and Amended by Chapter 345, 2017 General Session

4-14-111 Registration required for a pesticide business.

(1) A pesticide applicator business shall register with the department by:
(a) submitting an application on a form provided by the department;

(b) paying the registration fee; and
(c) certifying that the business is in compliance with this chapter and departmental rules authorized by this chapter.
(2)
(a) By following the procedures and requirements of Section 63J-1-504, the department shall establish a registration fee based on the number of pesticide applicators employed by the pesticide applicator business.
(b)
(i) Notwithstanding Section 63J-1-504, the department shall deposit the fees as dedicated credits and may only use the fees to administer and enforce this chapter.
(ii) The Legislature may annually designate the revenue generated from the fee as nonlapsing in an appropriations act.
(3) The department shall issue a business registration certificate to a pesticide applicator business if the individual or entity:
(a) has complied with the requirements of this section;
(b) has shown evidence of competence in the pesticide profession and meets the certification requirements established by rule;
(c) provides evidence that the owner or qualifying party is a certified applicator;
(d) provides evidence that the owner or qualifying party:
(i) has been a certified applicator for at least two years out of the 10 years immediately before the date of the application for a business registration certificate is received by the department;
(ii) holds an associate degree or higher in horticulture, agricultural sciences, biological sciences, pest management, or a related field; or
(iii) has held a comparable license issued in another state, district, territory, or jurisdiction and meets the requirements described in Subsection 4-1-112(2);
(e) demonstrates good character;
(f) has no outstanding infractions and owes no money to the department; and
(g) pays the licensing fee established by the department.
(4) A registration certificate expires on December 31 of the second calendar year after the calendar year in which the registration certificate is issued.
(5)
(a) The department may suspend a registration certificate if the pesticide applicator business violates this chapter or any rules authorized by it.
(b) A pesticide applicator business whose registration certificate has been suspended may apply to the department for reinstatement of the registration certificate by demonstrating compliance with this chapter and rules authorized by this chapter.
(6) A pesticide applicator business shall:
(a) only employ a pesticide applicator who has received a license from the department, as required by Section 4-14-103; and
(b) ensure that all employees comply with this chapter and the rules authorized by this chapter.
(7) An individual or entity applying for a business registration certificate does not have to meet the requirements of Subsection (3)(d) if the individual's or entity's sole use of pesticides is limited to:
(a) providing ornamental and turf pest control spot treatment services; and
(b) herbicides with labels that contain the signal word "caution" or "warning."

Amended by Chapter 104, 2024 General Session

Chapter 15
The Utah Nursery Act

4-15-101 Title.

This chapter is known as "The Utah Nursery Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-102 Background and purpose.

The Legislature finds that:

(1) nursery stock can harbor and vector plant pests and diseases;

(2) unregulated production and shipping of nursery stock presents an unacceptable risk to the state's agricultural, forestry, and horticultural interests, and to the state's general environmental quality; and

(3) it is necessary to ensure that nurseries produce healthy plants and that nursery stock shipped to other nurseries, brokers, and out-of-state customers meets national nursery stock cleanliness standards.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-103 Definitions.

As used in this part:

(1) "Balled and burlapped stock" means nursery stock that is removed from the growing site with a ball of soil containing its root system intact and encased in burlap or other material to hold the soil in place.

(2) "Bare-root stock" means nursery stock that is removed from the growing site with the root system free of soil.

(3) "Compliance agreement" means any written agreement between a person and a regulatory agency to achieve compliance with any set of requirements being enforced by the department.

(4) "Container stock" means nursery stock that is transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid container for a period sufficient to allow newly developed fibrous roots to form, so that if the plant is removed from the container the plant's root-media ball will remain intact.

(5) "Etiolated growth" means bleached and unnatural growth resulting from the exclusion of sunlight.

(6) "Minimum indices of vitality" mean standards adopted by the department to determine the health and vigor of nursery stock offered for sale in this state.

(7) "National nursery stock cleanliness standards" means nursery stock that:

(a) is free from quarantine pests and pests of concern;

(b) has all nonquarantine plant pests under effective control;

(c) meets the national nursery stock cleanliness standards; and

(d) is eligible for nursery stock certification and shipping permits.

(8) "Nonestablished container stock" means deciduous nursery stock that is transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid container for a period insufficient to allow the formation of fibrous roots sufficient to form a root-media ball.

(9) "Nursery" means any place where nursery stock is propagated and grown for sale or distribution.
(10)
(a) "Nursery agent" means a person who solicits or takes an order for the sale of nursery stock, other than on the premises of a nursery or nursery outlet.
(b) "Nursery agent" includes a nursery landscaper.
(11) "Nursery outlet" means any place or location where nursery stock is offered for wholesale or retail sale.
(12)
(a) "Nursery stock" means:
(i) all plants, whether field grown, container grown, or collected native plants;
(ii) trees, shrubs, vines, grass sod;
(iii) seedlings, perennials, biennials, annuals; and
(iv) buds, cuttings, grafts, or scions grown or collected or kept for propagation, sale, or distribution.
(b) "Nursery stock" does not include:
(i) dormant bulbs, tubers, roots, corms, rhizomes, or pips;
(ii) field, vegetable, or flower seeds; or
(iii) cut flowers, unless stems or other portions of the cut flowers are intended for propagation.
(13) "Packaged stock" means bare-root stock that is packed either in bundles or in single plants with the roots in some type of moisture-retaining material designed to retard evaporation and hold the moisture-retaining material in place.
(14) "Pests of concern" means a nonquarantine pest that:
(a) is not known to occur in the state, or that has a limited distribution within the state; and
(b) has the potential to negatively impact nursery stock health or pose an unacceptable economic or environmental risk.
(15) "Place of business" means each separate nursery, or nursery outlet, where nursery stock is offered for sale, sold, or distributed.
(16) "Plant pests" means:
(a) the egg, pupal, and larval stage, as well as any other living stage of any insect, mite, nematode, slug, snail, protozoa, or other invertebrate animal;
(b) bacteria;
(c) fungi;
(d) parasitic plant or a reproductive part of a parasitic plant;
(e) virus or viroid;
(f) phytoplasma; or
(g) any infectious substance that can injure or cause disease or damage in any plant.
(17) "Quarantine pest" means a pest that poses potential negative economic or environmental impact to an area in which the pest currently:
(a) does not exist; or
(b) exists, but its presence is not widely distributed or is being officially controlled.
(18) "Shipping permit or certificate of inspection" means a sticker, stamp, imprint, or other document that accompanies nursery stock shipped intrastate and documents that the originating nursery:
(a) is licensed; and
(b)
(i) has stock that has passed annual inspection; or
(ii) produces stock that meets the National Nursery Stock Compliance Standard.

Amended by Chapter 59, 2024 General Session

4-15-104 Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules necessary to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-105 Unlawful to offer nursery stock for sale or to solicit orders for nursery stock without license.

It is unlawful for any person in this state to offer nursery stock for sale at a nursery or nursery outlet, or to solicit or receive orders for nursery stock for a person who regularly engages in the business of operating a nursery or nursery outlet, without a license issued by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-106 License -- Application -- Fees -- Expiration -- Renewal.

(1)

(a) Application for a license to operate a nursery or nursery outlet or to solicit or receive orders of nursery stock for a person regularly engaged in the business of operating a nursery or nursery outlet shall be made to the department on forms prescribed and furnished by the department.

(b) Upon receipt of a proper application and compliance with applicable rules, and payment of a license fee determined by the department according to Subsection 4-2-103(2) for each place of business where the applicant intends to offer nursery stock for wholesale or retail sale, or the payment of a fee determined by the department pursuant to Subsection 4-2-103(2) in the case of an agent, the commissioner, if satisfied the convenience and necessity of the industry and the public will be served, shall issue a license to engage in the otherwise proscribed activity through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.

(2) A license to operate a nursery or nursery outlet or an agent's license is renewable on or before December 31 of each year for a period of one year upon the payment of an annual license renewal fee determined by the department according to Subsection 4-2-103(2).

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-107 Nursery stock for wholesale or retail sale -- Graded and sized -- Labels and tags -- Information to appear on label or tag.

(1) Each type of nursery stock delivered to a nursery or nursery outlet for subsequent wholesale or retail sale shall:

(a) be sized and graded in accordance with the applicable rules of the department; and

(b) bear a tag or label with the name, grade, size, and variety of the stock.

(2) Each bundle, single lot, or single nursery stock sold at retail shall bear a secure tag or label with the common or botanical name, grade, size, and variety of the stock legibly printed or written on the bundle, single lot, or single nursery stock.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-108 Inspection -- Issuance of certificate -- Destruction of infested or diseased stock.

(1)
(a) Each nursery may be inspected by the department at least once each year.
(b) If, upon the inspection described in Subsection (1)(a), it appears that the nursery and the nursery's stock are free of insect pests and plant disease, the department shall issue an inspection certificate to the nursery.

(2)
(a) Each nursery outlet may be inspected by the department at least once each year during the period nursery stock is offered for retail sale.
(b) The department may issue an inspection certificate to a nursery outlet to permit the interstate shipment of nursery stock if the stock contemplated for shipment appears free of insect pests and plant disease.

(3) Nursery stock found to be infested with insect pests or infected with plant disease shall be destroyed or otherwise treated as determined by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-109 Transport of out-of-state nursery stock to Utah -- Certificate of inspection to be filed with department by out-of-state nurseries -- Option in department to accept exchange list in lieu of certificate of inspection -- Imported stock to be tagged -- Treatment of stock not tagged.

(1)
(a) Subject to Subsection (1)(b), out-of-state nurseries and nursery outlets transporting nursery stock to a nursery or nursery outlet in this state shall annually deliver to the department a certified duplicate copy of the "state of origin" certificate of inspection for each such out-of-state nursery or nursery outlet.
(b) The department may accept and exchange a list of certified or licensed out-of-state nurseries or nursery outlets in lieu of a certificate of inspection for each such individual nursery or nursery outlet.

(2) Nursery stock originating outside and imported into this state for customer delivery or for resale shall bear a tag:
(a) stating that the nursery stock has been inspected and certified free from plant pests and disease; and
(b) bearing the name and address of the shipper or consignor.

(3) A shipment of nursery stock destined for delivery in this state that is not accompanied with the tag described in Subsection (2) may be:
(a) returned to the owner or consignor at the owner or consignor's expense; or
(b) destroyed, or otherwise disposed of, by the department without compensation to the owner or consignor.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-110 Nursery stock offered or advertised for sale -- Unlawful to misrepresent name, origin, grade, variety, quality, or vitality -- Information required in advertisements.

(1) A person shall not misrepresent the name, origin, grade, variety, quality, or indicia of vitality of any nursery stock advertised or offered for sale at a nursery or nursery outlet.

(2) All advertisements of nursery stock shall clearly state the name, size, and grade of the stock where applicable.

Amended by Chapter 354, 2020 General Session

4-15-111 Infested or diseased stock not to be offered for sale -- Identification of "nonestablished container stock" -- Requirements for container stock -- Inspected and certified stock only to be offered for sale -- Prohibition against coating aerial plant surfaces.

(1) Nursery stock that is infested with plant pests, including noxious weeds, or infected with disease or that does not meet minimum indices of vitality may not be offered for sale.
(2) All nonestablished container stock offered for sale shall be identified by the words "nonestablished container stock" legibly printed on a water resistant tag that states the length of time the stock has been planted or the date the stock was planted and may not be offered for sale in any manner that leads a purchaser to believe the stock is container stock.
(3) All container stock offered for sale shall be established with a root-media mass that will retain its shape and hold together when removed from the container.
(4) No nursery stock other than officially inspected and certified stock shall be offered for wholesale or retail sale in this state.
(5) Colored waxes or other materials that coat the aerial parts of a plant and change the appearance of the plant surface are prohibited.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-112 Enforcement -- Inspection -- Stop sale order -- Procedure -- Warrants.

(1)
  (a) The department may issue a "stop sale" order to any nursery or nursery outlet upon discovery or notification of a quarantine pest or pest of concern, or if the department has reason to believe the nursery is offering, advertising, or selling nursery stock in violation of Section 4-15-111.
  (b) The "stop sale" order described in Subsection (1)(a) shall be in writing and no nursery stock subject to the order shall be advertised or sold, except upon subsequent written release by the department.
(2)
  (a) The department is authorized for the purpose of ascertaining compliance with this chapter to enter and inspect any nursery or nursery outlet where nursery stock is kept during the nursery or nursery outlet's business hours.
  (b) If access for the purpose of inspection is denied, the department may proceed immediately to the nearest court of competent jurisdiction and obtain an ex parte warrant or its equivalent to permit inspection of the nursery or nursery outlet.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-113 Suspension or revocation -- Grounds -- Notice and hearing.

(1) Subject to Subsection (2), the department may suspend or revoke the license of any nursery, nursery outlet, or agent that violates Section 4-15-110 or 4-15-111.
(2) A suspension or revocation shall not be effective until after the nursery, nursery outlet, or agent is afforded notice and a hearing.

Renumbered and Amended by Chapter 345, 2017 General Session

4-15-114 Compliance agreements.

The department may make compliance agreements with the responsible officials of other states and nursery establishments to achieve compliance with any set of requirements being enforced by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 16
Utah Seed Act

Part 1
Organization

4-16-101 Short title.

This chapter is known as the "Utah Seed Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-16-102 Definitions.

As used in this chapter:

(1) "Advertisement" means any representation made relative to seeds, plants, bulbs, or ground stock other than those on the label of a seed container, disseminated in any manner.

(2) "Agricultural seed" includes:

(a) grass, forage, cereal, oil, fiber, and other kinds of crop seed commonly recognized within this state as agricultural seed;

(b) lawn seed;

(c) combinations of the seed described in Subsections (2)(a) and (2)(b); and

(d) noxious weed seed, if the department determines by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that a noxious weed seed is being used as agricultural seed.

(3) "Blend" means seed consisting of more than one variety of a kind, each in excess of 5% by weight of the whole.

(4) "Brand" means a word, name, symbol, number, or design used to:

(a) identify the seed of one person; and

(b) distinguish the seed of one person from the seed of another person.

(5) "Certifying agency" means:

(a) an agency authorized under the laws of a state, territory, or possession to officially certify seed and that has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or

(b) an agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification.

(6) "Coated seed" means seed that has been covered by a layer of materials that obscure the original shape and size of the seed resulting in an increase of the weight of the seed.

(7)

(a) "Complete record" means all information that relates to the origin, treatment, germination, purity, kind, and variety of each lot of agricultural seed sold in this state.
(b) "Complete record" includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, and examinations.
(8) "Conditioning" means drying, cleaning, scarifying, and other operations that:
(a) could change the purity or germination of a seed; and
(b) require a seed lot to be retested to determine the label information.
(9) "Controlling the pollination" means to use a method of hybridization that will produce pure seed that is at least 75% hybrid seed.
(10) "Dormant" means viable seed, excluding hard seed, that fail to germinate when provided the specified germination conditions for the kind of seed in question.
(11) "Flower seed" includes the seed of herbaceous plants that are:
(a) grown for their blooms, ornamental foliage, or other ornamental parts; and
(b) commonly known and sold under the name of flower or wildflower seed in this state.
(12) "Foundation seed," "registered seed," or "certified seed" means seed that is produced and labeled in accordance with procedures officially recognized by a seed certifying agency approved and accredited in this state.
(13) "Genuine grower declaration" means a statement signed by a grower which, for each lot of seed, provides the:
(a) lot number;
(b) kind;
(c) variety, if known;
(d) origin;
(e) weight;
(f) year of production;
(g) date of shipment; and
(h) name of the person to whom the shipment was made.
(14) "Germination" means the emergence and development from the seed embryo of those essential structures that are, for the kind of seed in question, indicative of the ability to produce a normal plant under favorable conditions expressed in whole numbers.
(15) "Hard seed" means seed that remains hard at the end of the prescribed germination test period because the seed has not absorbed water due to an impermeable seed coat.
(16)
(a) "Hybrid," applied to kinds or varieties of seed, means the first generation seed of a cross produced by controlling the pollination and by combining:
(i) two or more inbred lines;
(ii) one inbred or a single cross with an open pollinated variety; or
(iii) two selected clones, seed lines, varieties, or species.
(b) The department shall treat hybrid designations as variety names.
(17) "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones, as determined by methods defined by rule.
(18) "Inoculant" means a commercial preparation containing nitrogen-fixing bacteria applied to seed.
(19) "Kind" means one or more related species or subspecies of seed that singly or collectively are known by one common name, for example, corn, oats, alfalfa, and timothy.
(20)
(a) "Label" means any written, printed, or graphic representation accompanying and pertaining to any seeds, plants, bulbs, or ground stock whether in bulk or in containers.

(b) "Label" includes a representation on an invoice, bill, or letterhead.
(21) "Labeling" includes a tag or other device attached to, written, stamped, or printed on a container or accompanying a lot of bulk seeds that:
(a) claims to specify the information required on the seed label by this chapter; and
(b) may include other information related to the labeled seed.
(22) "Lot" means a definite quantity of seed identified by a number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.
(23) "Mixture" or "mix" or "mixed" means seed consisting of more than one kind, each in excess of 5% by weight of the whole.
(24) "Mulch" means a protective covering of a suitable substance placed with seed that:
(a) acts to retain sufficient moisture to support seed germination and sustain early seedling growth;
(b) aids in the prevention of the evaporation of soil moisture;
(c) aids in the control of weeds; and
(d) aids in the prevention of erosion.
(25) "Noxious weed seeds" means:
(a) prohibited noxious weed seeds; or
(b) restricted noxious weed seeds.
(26)
(a) "Off-type" means a seed or plant not part of the variety because the seed or plant deviates in one or more characteristics from the variety.
(b) "Off-type" may include a seed or plant that:
(i) is of another variety;
(ii) is not necessarily any variety;
(iii) results from cross-pollination by another kind or variety; or
(iv) results from uncontrolled self-pollination during production of hybrid seeds.
(27) "Origin" means:
(a) for an indigenous stand of trees, the area on which the trees are growing; and
(b) for a nonindigenous stand of trees, the place from which the seeds or plants originated.
(28) "Other crop seed" means the seed of plants grown as crops other than the kind or variety included in the pure seed, as determined by methods defined by rule.
(29) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.
(30)
(a) "Prohibited noxious weed seeds" means those weed seeds determined by the commissioner that are prohibited from being present in agricultural, vegetable, flower, tree, or shrub seed.
(b) "Prohibited noxious weed seeds" include the seeds of weeds that are highly destructive and difficult to control by good cultural practices and the use of herbicides.
(31) "Pure seed" means seed exclusive of inert matter and all other seed not of the seed being considered as determined by methods defined by rule.
(32) "Restricted noxious weed seeds" means those weed seeds determined by the commissioner that:
(a) are objectionable in agricultural crops, lawns, and gardens of this state; and
(b) can be controlled by good cultural practices or the use of herbicides.
(33) "Seed for sprouting" means seed sold for sprouting for salad or culinary purposes.
(34) "Sowing" means the placement of agricultural seed, vegetable seed, flower seed, tree and shrub seed, or seed for sprouting in a selected environment for the purpose of obtaining plant growth.

(35) "Tetrazolium test (TZ)" means a biochemical seed viability test using the compound 2, 3, 5 triphenyl tetrazolium chloride (TTC), as specified in Part II, Tetrazolium Testing Handbook, Contribution Number 29, to the handbook on Seed Testing, prepared by the Tetrazolium subcommittee of the Association of Official Seed Analysts, 2008 Edition.
(36) "Total viable" is:
(a) equal to the sum of percentage germination, percentage dormant seed, and percentage hard seed; or
(b) determined by a tetrazolium test for species identified in the rules for testing or for species for which there are no rules for testing.
(37) "Treated" means that a seed has received an application of a substance or been subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests that attack seeds or seedlings.
(38) "Tree and shrub seed" includes seed of woody plants commonly known and sold as tree and shrub seeds in this state.
(39) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.
(40)
(a) "Variant" means a seed or plant that:
(i) is distinct within the variety but occurs naturally in the variety;
(ii) is stable and predictable with a degree of reliability comparable to other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted; and
(iii) was originally a part of the variety as released.
(b) "Variant" does not include an off-type.
(41) "Variety" means a subdivision of a kind that is:
(a) distinct, meaning a variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge;
(b) uniform, meaning that variations in essential and distinctive characteristics are describable; and
(c) stable, meaning a variety's essential and distinctive characteristics and uniformity will remain unchanged when reproduced or reconstituted as required by the category of variety.
(42) "Vegetable seed" includes the seed of those crops that are:
(a) grown in gardens or on truck farms; and
(b) generally known and sold under the name of vegetable or herb seed in this state.
(43) "Weed seed" means the seed of all plants generally recognized as weeds within this state, as determined by methods defined by rule.
(44) "Weight" means the net weight of the commodity.
(45) "Wholesaler" is a person who predominantly supplies seed to a distributor rather than a customer.

Amended by Chapter 528, 2023 General Session

4-16-103 Department authorized to make and enforce rules -- Cooperation with state and federal agencies authorized.
(1) The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules.
(2) The department may cooperate with other state agencies, other states, and with the United States Department of Agriculture or other departments or agencies of the federal government.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
Regulations

4-16-201 Labeling requirements.

(1) A container of seed that is transported, sold, offered, or exposed for sale within this state shall bear on the container or have attached to the container a printed label that:
  (a) is in a conspicuous place;
  (b) is plainly written in the English language;
  (c) is in type no smaller than eight point;
  (d) specifies the information required by this chapter; and
  (e) does not modify or deny the information required by this chapter in the labeling or on another label attached to the container.

(2) A container of agricultural seed offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:
  (a) name of the kind and variety for each seed component in excess of 5% of the whole and the percentage by weight of each component in the order of its predominance in columnar form, provided that:
    (i) the label shall specify the name of the variety or state "Variety Not Stated" or "VNS," for any component that is required by rule of the department to be labeled as a variety;
    (ii) a hybrid shall be labeled as a hybrid;
    (iii) the word "mix," "mixture," or "blend" shall appear, if more than one component is required to be named; and
    (iv) the total of the percentages described in Subsections (2)(a), (2)(d), (2)(e), and (2)(f) shall equal 100%;
  (b) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
  (c) lot number or other lot identification;
  (d) percentage by weight of all weed seeds;
  (e) percentage by weight of agricultural or crop seeds other than those named on the label pursuant to Subsection (2)(a);
  (f) percentage by weight of inert matter;
  (g) name and rate of occurrence per pound of each kind of restricted noxious weed seed present for which tolerance is permitted;
  (h) origin, if known, of alfalfa, red clover, white clover, or field corn seed, except hybrid corn, and, if the origin is unknown, that fact shall be stated;
  (i) month and year seed tests were conducted for each named agricultural seed, specifying:
    (i) percentage of germination, exclusive of hard or dormant seed; and
    (ii) percentage of hard or dormant seed, if present; and
  (j) net weight or seed count.

(3) A container of lawn and turf seed or lawn and turf seed mixture offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

(a) name of the kind and variety for each lawn and turf seed component in excess of 5% of the whole, and the percentage by weight of each component in the order of its predominance in columnar form, provided that:
(i) the label shall specify the name of the variety or state "Variety Not Stated" or "VNS," for any component that is required by rule of the department to be labeled as a variety;
(ii) a hybrid shall be labeled as a hybrid; and
(iii) the total of the percentages described in Subsections (3)(a), (3)(d), (3)(e), and (3)(f) shall equal 100%;
(b) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
(c) lot number or other lot identification;
(d) percentage by weight of all weed seeds;
(e) percentage by weight of agricultural or crop seeds other than those named on the label pursuant to Subsection (3)(a);
(f) percentage by weight of inert matter;
(g) name and rate of occurrence per pound of each kind of restricted noxious weed seed present for which tolerance is permitted;
(h) month and year seed tests were conducted for each named lawn and turf seed, specifying:
(i) percentage of germination, exclusive of hard or dormant seed; and
(ii) percentage of hard or dormant seed, if present;
(i) the word "mix," "mixture," or "blend," if more than one component is required to be named; and
(j) net weight or seed count.
(4) Vegetable seed in packets of one pound or less prepared for home gardens or household plantings or vegetable seed preplanted in containers, mats, tapes, or other planting devices shall be labeled with the following information:
(a) name of the kind and variety of seed, provided that a hybrid shall be labeled as a hybrid;
(b) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
(c)
(i) calendar month and year the germination test was completed and sell by date, which may not be more than 12 months past the date of the germination test exclusive of the month of test;
(ii) year for which the seed was packaged for sale, stated as "Packed for yy," or year of the seed sell by date, stated as "Sell by yy"; or
(iii) calendar month and year the germination test was completed and the percentage germination, provided that the germination test was completed within the previous 12 months exclusive of the month of test;
(d) seed with germination less than the germination standard last established for the seed by the department shall specify the:
(i) percentage of germination, exclusive of hard or dormant seed;
(ii) percentage of hard or dormant seed, if present; and
(iii) words "Below Standard" in not less than eight-point type;
(e) statement to indicate the minimum number of seeds or net weight in the container, if the seed are placed in a germination medium, mat, tape, or other device that makes it difficult to determine the quantity of the seed without removing the seed;
(f) lot number or other lot identification;
(g) the word "mix," "mixture," or "blend," if more than one component is required to be named; and

(h) net weight or seed count.

(5) Vegetable seed not described in Subsection (4) shall be labeled with the following information:

(a) name of each kind and variety present in excess of 5% of the whole and the percentage by weight of each in order of its predominance in columnar form, provided that a hybrid shall be labeled as a hybrid;

(b) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;

(c) lot number or other lot identification;

(d) month and year seed tests were conducted, for each named vegetable seed, specifying the:

(i) percentage of germination, exclusive of hard or dormant seed; and

(ii) percentage of hard or dormant seed, if present;

(e) name and rate of occurrence per pound of each kind of restricted noxious-weed seed for which tolerance is permitted;

(f) the word "mix," "mixture," or "blend," if more than one component is required to be named; and

(g) net weight or seed count.

(6) A flower seed packet of one pound or less prepared for use in home flower gardens or household plantings or flower seed in preplanted containers, mats, tapes, or other planting devices shall be labeled with the following information:

(a) name of the kind and variety or a statement of type and performance characteristics of the seed as prescribed by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provided that:

(i) a hybrid shall be labeled as a hybrid; and

(ii) the word "mix," "mixture," or "blend" shall appear, if more than one component is required to be named;

(b) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;

(c)

(i) calendar month and year the germination test was completed and the sell by date, which may not be more than 12 months past the date of the germination test exclusive of the month of the test;

(ii) year for which the seed was packed for sale, stated as "Packed for yy," or year of the seed sell by date, stated as "Sell by yy"; or

(iii) calendar month and year the germination test was completed and percentage germination, provided that the germination test was completed within the previous 12 months exclusive of the month of the test;

(d) seed with germination less than the germination standard last established by the department shall specify the:

(i) percentage of germination, exclusive of hard or dormant seed;

(ii) percentage of hard or dormant seed, if present; and

(iii) words "Below Standard" in not less than eight-point type; and

(e) statement to indicate the minimum number of seeds or net weight in the container, if the seeds are placed in a germination medium, mat, tape, or other device that makes it difficult to determine the quantity of seed without removing the seed.

(7) Flower seed not described in Subsection (6) offered or exposed for sale in this state shall be labeled with the following information:

(a) name of the kind and variety or statement of the type and performance characteristics of the seed as prescribed by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provided that:

(i) a hybrid shall be labeled as a hybrid; and
(ii) the word "mix," "mixture," or "blend" shall appear, if more than one component is required to be named;
(b) genus and species of wildflower and the subspecies, if appropriate, of wildflower;
(c) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
(d) lot number or other lot identification;
(e) percentage of germination, exclusive of hard or dormant seed;
(f) percentage of hard or dormant seed, if present;
(g) calendar month and year that testing was completed to determine percentages described in Subsections (7)(e) and (7)(f);
(h) net weight or seed count; and
(i) wildflower seed with a pure seed percentage of less than 90% shall specify the percentage by weight of:
(i) each component listed in order of predominance;
(ii) weed seed if present; and
(iii) inert matter.

(8) A container of tree and shrub seed that is sold, offered, or exposed for sale or transported for sowing into this state shall:
(a) bear a label as required by Subsection (1), unless:
(i) each bag or other container is clearly identified by a lot number stenciled on the container or the seed is in bulk; and
(ii) under a contractual agreement the seed may bear a label by invoice accompanying the shipment or an analysis tag attached to the invoice; and
(b) bear on the label the following information:
(i) name of the seed and name of the subspecies, if appropriate;
(ii) scientific name of the genus and species and scientific name of the subspecies, if appropriate;
(iii) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
(iv) lot number or other lot identification;
(v) information as to origin as follows:
(A) seed collected from a predominantly indigenous stand shall specify the area of collection given by latitude and longitude, geographic description, or political subdivision such as state or county; and
(B) seed collected from other than a predominantly indigenous stand shall specify identity of the area of collection and the origin of the stand or state "origin not indigenous";
(vi) elevation or the upper and lower limits of elevation within which the seed was collected;
(vii) purity as a percentage of pure seed by weight;
(viii) percentage of germination, exclusive of hard or dormant seed;
(ix) percentage of hard or dormant seed, if present;
(x) calendar month and year the germination test was completed to determine percentages described in Subsections (8)(b)(viii) and (8)(b)(ix);
(xi) the word "mix," "mixture," or "blend" shall appear, if more than one component is required to be named; and
(xii) net weight.

(9) A container of seed for sprouting that is offered or exposed for sale or transported for sowing into this state shall be labeled with the following information:

(a) name and address of the person who labeled the seed, or the person who sells, offers, or exposes the seed for sale in this state;
(b) name of the kind or kinds in order of predominance;
(c) lot number or other identification;
(d) percentage by weight of each pure seed component in excess of 5% of the whole, other crop seeds, inert matter, and weed seeds, if any;
(e) percentage of germination of each pure seed component, exclusive of hard or dormant seed;
(f) percentage of hard or dormant seed, if present;
(g) calendar month and year the test was completed to determine percentages described in Subsections (9)(d) through (9)(f) or the year for which the seed was packaged;
(h) the word "mix," "mixture," or "blend," if more than one component is required to be named; and
(i) net weight or seed count.

(10) A combination mulch, seed, and fertilizer product shall:
(a) contain a minimum of 70% mulch;
(b) bear a label with the word "combination" followed by the words "mulch - seed - fertilizer" on the upper 30% of the principal display panel, provided that the:
(i) word "combination" shall be the largest and most conspicuous type on the container and equal to or larger than the product name; and
(ii) words "mulch - seed - fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination"; and
(c) bear an analysis label for seed placed in a germination medium, mat, tape, or other device or mixed with mulch, specifying the following information:
(i) name of each kind and variety;
(ii) product name;
(iii) lot number;
(iv) percentage by weight of pure seed of each kind and variety named, including those less than 5% of the whole, provided that the total of the percentages described in Subsections (10)(c)(iv) through (10)(c)(vii) shall equal 100%;
(v) percentage by weight of other crop seed;
(vi) percentage by weight of inert matter, which may not be less than 70%;
(vii) percentage by weight of weed seed;
(viii) name and number of noxious weed seed per pound, if present;
(ix) percentage of germination of each kind or kind and variety named;
(x) percentage hard or dormant seed, if appropriate;
(xi) date of germination test;
(xii) name and address of tagger; and
(xiii) net weight.

(11) A product containing a combination of seed and granular fertilizer shall be labeled with the following information:
(a) the word "combination" followed by the words "seed-fertilizer" on the upper 30% of the principal display panel provided that:
(i) the word "combination" must be the largest and most conspicuous type on the container and equal to or larger than the product name; and
(ii) the words "seed-fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination"; and
(b) an analysis label specifying the information listed in Subsection (10)(c) and the percentage by weight of the fertilizer, listed on a separate line as a component of the inert matter.

(12) Coated seed shall be labeled with the:
(a) information required by Subsections (2)(a) through (2)(e) and (2)(g);
(b) percentage by weight of pure seed exclusive of coating material;
(c) percentage by weight of coating material;
(d) percentage by weight of inert material exclusive of coating material; and
(e) percentage of germination, determined on 400 pellets with or without seed.

Amended by Chapter 528, 2023 General Session

4-16-202 Distribution of seeds -- Germination tests required -- Date to appear on label -- Seed to be free of noxious weed seed -- Special requirements for treated seeds -- Prohibitions.

(1) A person in this state may not offer or expose for sale or sowing any seed for sprouting or any agricultural, vegetable, flower, or tree and shrub seed unless:
(a)
(i) for agricultural seed, including mixtures of agricultural seed:
(A) a test to determine the percentage of germination has been performed within 18 months, exclusive of the month the seed is tested and the date the seed is offered for sale; and
(B) the date of the test appears on the label;
(ii) for vegetable, flower, or tree and shrub seed or seed for sprouting:
(A) a test to determine the percentage of germination has been performed within 12 months, exclusive of the month the seed is tested and the date the seed is offered for sale; and
(B) the date of the test appears on the label;
(iii) for hermetically sealed agricultural, vegetable, flower, or tree and shrub seed:
(A) a test to determine the percentage of germination has been performed within 36 months, exclusive of the month the seed is tested and the date the seed is offered for sale, or the seed have been retested for germination within nine months, exclusive of the month the seed is retested and the date the seed are offered or exposed for sale; and
(B) the date of the test appears on the label;
(b) the package or other container is truthfully labeled and in accordance with Section 4-16-201; and
(c) the seed is free of noxious weed seed, subject to any tolerance as may be prescribed by the department through rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) The label on any package or container of an agricultural, vegetable, flower, lawn and turf, or tree and shrub seed or seed mixture that has been treated and for which a claim is made on account of the treatment, in addition to the labeling requirements specified in Section 4-16-201, shall:
(a) state that the seed have been treated;
(b) state the commonly accepted name, generic chemical name, or abbreviated chemical name of the substance used for treatment;
(c) state the date beyond which the inoculant is not considered effective, if the seed is treated with an inoculant; and
(d)
(i) include a caution statement consistent with rules of the department if the treatment substance remains with the seed in an amount which is harmful to vertebrate animals; and
(ii) subject to Subsection (2)(d)(i), state in a caution statement for mercurials and similarly toxic substances, as defined by rule of the department, that the seed has been treated with

poison with "POISON" printed in red letters on a background of distinctly contrasting color together with a representation of the skull and crossbones.

(3) A person may not:

(a) use the word "trace" as a substitute for a statement required under this chapter;

(b) disseminate any false or misleading advertisement about agricultural, vegetable, flower, or tree and shrub seed or seed for sprouting; or

(c) detach, alter, or destroy any label or substitute any seed in a manner that defeats the purpose of this chapter.

Amended by Chapter 355, 2018 General Session

4-16-203 Inspection -- Samples -- Analysis -- Seed testing facilities to be maintained -- Rules to control offensive seeds -- Notice of offending seeds -- Warrants.

(1)

(a) The department shall periodically enter public or private premises from which seeds are distributed, offered, or exposed for sale to sample, inspect, analyze, and test agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting distributed within this state to determine compliance with this chapter.

(b) To perform the duties specified in Subsection (1)(a), the department shall:

(i) establish and maintain facilities for testing the purity and germination of seeds;

(ii) prescribe by rule uniform methods for sampling and testing seeds; and

(iii) establish fees for rendering service.

(2) The department shall prescribe by rule weed seeds and noxious weed seeds and fix the tolerances permitted for those offensive seeds.

(3)

(a) If a seed sample, upon analysis, fails to comply with this chapter, the department shall give written notice to that effect to any person who is distributing, offering, or exposing the seeds for sale.

(b) Notwithstanding Subsection (3)(a), nothing in this chapter shall be construed as requiring the department to refer minor violations for criminal prosecution or for the institution of condemnation proceedings if it believes the public interest will best be served through informal action.

(4) The department may proceed immediately, if admittance is refused, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of making inspections and obtaining samples.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Enforcement

4-16-301 Enforcement -- Stop sale, use, or removal authorized -- Court action -- Procedures -- Costs.

(1)

(a) The department may issue a "stop sale, use, or removal order" to the distributor, owner, or person in possession of any designated agricultural, vegetable, flower, or tree and shrub

seed or seeds for sprouting or lot of seed which it finds or has reason to believe violates this chapter.

(b) The order shall be in writing and no seed subject to it shall be moved, offered, or exposed for sale, except upon subsequent written release by the department.

(c) Before a release is issued, the department may require the distributor or owner of the "stopped" seed or lot to pay the expense incurred by the department in connection with the withdrawal of the product from the market.

(2)

(a) The department is authorized in a court of competent jurisdiction to seek an order of seizure or condemnation of any seed which violates this chapter or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to prevent violation of this chapter.

(b) No bond may be required of the department in an injunctive proceeding brought under this section.

(3)

(a) If condemnation is ordered, the seed shall be disposed of as the court directs.

(b) The court may not order condemnation without giving the claimant of the seed an opportunity to apply to the court for permission to relabel, reprocess, or otherwise bring the seed into conformance, or for permission to remove it from the state.

(c) If the court orders condemnation, court costs, fees, storage, and other costs shall be awarded against the claimant of the seed.

Renumbered and Amended by Chapter 345, 2017 General Session

4-16-302 False or misleading advertising with respect to seed quality prohibited.

Unless agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting sold, advertised, or exposed or offered for sale in this state for propagation or planting have been registered or certified by an officially recognized seed certifying agency approved and accredited in this state, a person may not:

(1) use orally or in writing:

(a) the term "foundation," "registered," or "certified" seed along with other words; or

(b) any other term or form of words which suggests that the seed has been certified or registered by an inspection agency duly authorized by any state, or that there has been registration or certification, or either; or

(2) use any tags similar to registration or certification tags.

Renumbered and Amended by Chapter 345, 2017 General Session

4-16-303 Distributors of seed to keep record of each lot of seed distributed.

(1) Each person whose name appears on the label of agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting shall keep:

(a) a complete record of each lot of agricultural, vegetable, flower, tree and shrub seed or seeds for sprouting distributed in this state for a period of two years; and

(b) a file sample of each lot of seed for a period of one year after final disposition of the lot.

(2) The records and samples pertaining to the distribution of the seeds shall be available to the department for inspection during regular business hours.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 4
Testing

4-16-401 Designation of official testing agency for certification of seed.

(1) The agricultural experiment station at Utah State University is designated as the official state agency responsible for the production, approval, and testing of foundation seeds in this state.
(2) This agency shall perform all functions necessary for seed certification including the determination of the adaptability of established and new crop varieties for planting in this state, whether produced in this state or elsewhere, and the determination of eligibility of crop varieties for registration and certification in the state.
(3) In performing its responsibility, the experiment station may contract, subject to available funds, upon such terms and conditions as it considers appropriate with a private seed certifying agency.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 5
Exemption

4-16-501 Chapter does not apply to seed not intended for sowing, to seed at seed processing plant, or to seed transported or delivered for transportation in the ordinary course of business.

(1) This chapter does not apply to:
  (a) seed or grain not intended for sowing;
  (b) subject to Subsection (2), seed at, or consigned to, a seed processing or cleaning plant; or
  (c) to any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier.
(2) Any label or other representation which is made with respect to seed described in Subsection (1)(b) that is made with respect to the uncleaned or unprocessed seed is subject to this chapter.
(3) A carrier described in Subsection (1)(c) may not be engaged in producing, processing, or marketing agricultural, vegetable, flower, or tree and shrub seeds or seeds for sprouting.

Amended by Chapter 354, 2020 General Session

Chapter 17
Utah Noxious Weed Act

4-17-101 Title.

This chapter is known as the "Utah Noxious Weed Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-102 Definitions.

As used in this chapter:

(1) "Commission" means the county legislative body of each county of this state.

(2) "Commissioner" means the commissioner of agriculture and food or the commissioner's representative.

(3) "County noxious weed" means any plant that is:

(a) not on the state noxious weed list;

(b) especially troublesome in a particular county; and

(c) declared by the county legislative body to be a noxious weed within the county.

(4) "Noxious weed" means any plant the commissioner determines to be especially injurious to public health, crops, livestock, land, or other property.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-103 Commissioner -- Functions, powers, and duties.

The commissioner or the commissioner's designee shall:

(1) investigate and designate noxious weeds on a statewide basis;

(2) compile and publish annually a list of statewide noxious weeds;

(3) coordinate and assist in inter-county noxious weed enforcement activities;

(4) determine whether each county complies with this chapter;

(5) assist a county that fails to carry out the provisions of this chapter in the county's implementation of a weed control program;

(6) prescribe the form and general substantive content of notices to the public and to individuals concerning the prevention and control of noxious weeds;

(7) compile and publish a list of articles capable of disseminating noxious weeds or seeds and designate treatment to prevent dissemination; and

(8) regulate the flow of contaminated articles into the state and between counties to prevent the dissemination of noxious weeds or seeds.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-104 Creation of State Weed Committee -- Membership -- Powers and duties -- Expenses.

(1) There is created a State Weed Committee composed of eight members, with each member representing one of the following:

(a) the Department of Agriculture and Food;

(b) the Department of Natural Resources;

(c) the Utah State University Agricultural Experiment Station;

(d) the Utah State University Extension Service;

(e) the Utah Association of Counties;

(f) private agricultural industry;

(g) the Utah Weed Control Association; and

(h) the Utah Weed Supervisors Association.

(2) The commissioner shall select the members of the committee from those nominated by each of the respective groups or agencies following approval by the executive committee of the Agricultural Advisory Board.

(3)

(a) Except as required by Subsection (3)(b), as terms of current committee members expire, the commissioner shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
(4)
(a) Members may be removed by the commissioner for cause.
(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(5) The State Weed Committee shall:
(a) confer and advise on matters pertaining to the planning, implementation, and administration of the state noxious weed program;
(b) recommend names for membership on the committee; and
(c) serve as members of the executive committee of the Utah Weed Control Association.
(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.

Amended by Chapter 126, 2021 General Session

4-17-105 County weed control board -- Appointment -- Composition -- Terms -- Removal -- Compensation.

(1) A county executive of a county may, with the advice and consent of the county legislative body, appoint a county weed control board comprised of not less than three nor more than five appointed members.
(2)
(a) If the county legislative body is the county commission, the chair of the county legislative body shall appoint one member of the county legislative body who shall act as a coordinator between the county and the county weed control board.
(b) If the county legislative body is a county council:
(i) for a county of the first class, the county executive or the county executive's designee shall serve on the county weed control board and act as coordinator between the county and the county weed control board; or
(ii) for a county that is not a county of the first class, the county executive shall serve on the county weed control board and act as coordinator between the county and the county weed control board.
(3) Two members of the board shall be farmers or ranchers whose primary source of income is derived from production agriculture.
(4) Members are appointed to four year terms of office and serve with or without compensation as determined by each county legislative body.
(5) Members may be removed for cause and any vacancy that occurs on a county weed control board shall be filled by appointment for the unexpired term of the vacated member.

Amended by Chapter 76, 2019 General Session

4-17-106 Commissioner may require county weed control board to justify failure to enforce provisions.

If the commissioner determines that the weed control board of any county has failed to perform the board's duties under this chapter, the commissioner may require the board to justify, in writing, the board's failure to enforce these provisions within the board's county.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-107 County weed control board responsible for control of noxious weeds -- Cooperation with other county boards -- Authority to designate noxious weed -- Public hearing before removal of noxious weed from state list.

(1) A county weed control board is responsible, under the general direction of the county executive, for the formulation and implementation of a county-wide coordinated noxious weed control program designed to prevent and control noxious weeds within the board's county.

(2) A county weed control board is required, under the general direction of the board's commission, to cooperate with other county weed control boards to prevent and control the spread of noxious weeds.

(3)

(a) A county legislative body may declare a particular weed or competitive plant, not appearing on the state noxious weed list, a county noxious weed within the board's county.

(b) A county executive, with the approval of the county legislative body, may petition the commissioner for removal of a particular noxious weed from the state noxious weed list.

(c) The county legislative body may not approve a petition of the county executive to the commissioner to remove a noxious weed unless the county legislative body has first conducted a public hearing after due notice.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-108 Weed control supervisor -- Qualification -- Appointment -- Duties.

(1)

(a) Each commission may employ one or more weed control supervisors qualified to:

(i) detect and treat noxious weeds; and

(ii) direct the weed control program for the county weed control board.

(b) A person may be a weed control supervisor for more than one county weed control board.

(c) Terms and conditions of employment shall be prescribed by the commission.

(2) A supervisor, under the direction of the local county weed control board, shall:

(a) examine all land under the jurisdiction of the county weed control board to determine whether this chapter and the rules adopted by the department have been met;

(b) compile data on infested areas;

(c) consult and advise upon matters pertaining to the best and most practical method of noxious weed control and prevention;

(d) render assistance and direction for the most effective control and prevention;

(e) investigate violations of this chapter;

(f) enforce noxious weed controls within the county; and

(g) perform any other duties required by the county weed control board.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-109 Notice of noxious weeds to be published annually in county -- Notice to particular property owners to control noxious weeds -- Methods of prevention or control specified -- Failure to control noxious weeds considered public nuisance.

(1) Each county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county and publish the notice:
  (a) for the county, as a class A notice under Section 63G-30-102, for at least seven days; and
  (b) as required in Section 45-1-101.
(2)
  (a) If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, the county weed control board shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action is required to be taken on the property.
  (b) Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.
(3) An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.

Amended by Chapter 435, 2023 General Session

4-17-110 Noxious weeds -- Failure to control after notice of nuisance -- Notice and hearing -- Control at county expense -- Owner liable for county costs -- Charges lien against property.

(1) If the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five working days after the property is declared a public nuisance, the county may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds.
(2)
  (a) If the county controls weeds on a piece of property, as described in Subsection (1), and seeks reimbursement from the property owner of record or the person in possession of the property, the county shall send the property owner or person in possession of the property a documented description of the expense and a demand for payment within 30 days of the day on which the weed control took place.
  (b) The property owner of record or the person in possession of the property, as the case may be, shall reimburse the county for the county's expense within 90 days after receipt of the demand for payment, as described in Subsection (2)(a).
  (c) If the demand for payment is not paid within 90 days after receipt, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-111 Hearing before county weed control board -- Appeal of decision to the county legislative body -- Judicial review.

(1) Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the county weed control board within 10 days of receipt of such notice and may appeal the decision of the county weed control board to the county legislative body.

(2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the county legislative body may further appeal the decision of the county legislative body by filing written notice of appeal with a court of competent jurisdiction.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-112 Jurisdiction of state and local agencies to control weeds.

The departments or agencies of state and local governments shall develop, implement, and pursue an effective program for the control and containment of noxious weeds on all lands under the department's or agency's control or jurisdiction, including highways, roadways, rights-of-way, easements, game management areas, and state parks and recreation areas.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-113 County noxious weed control fund authorized.

A commission may establish and maintain a noxious weed control fund in each county for use in the administration of this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-17-115 Cooperative agreements and grants to rehabilitate areas infested with or threatened by invasive species.

The department may:

(1) enter into a cooperative agreement with a political subdivision, a state agency, a federal agency, a tribe, a county weed board, a cooperative weed management area, a nonprofit organization, a university, or a private landowner to:

(a) rehabilitate or treat an area infested with, or threatened by, an invasive species; or

(b) conduct research related to invasive species; and

(2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to award grants and administer this section.

Amended by Chapter 268, 2024 General Session

Chapter 18
Conservation Commission Act

Part 1
General Provisions

4-18-101 Title.

This chapter is known as the "Conservation Commission Act."

Renumbered and Amended by Chapter 227, 2013 General Session

4-18-102 Findings and declarations -- Duties.

(1) In addition to the policy provided in Section 4-46-101, the Legislature finds and declares that:
(a) the soil and water resources of this state constitute one of the state's basic assets; and
(b) the preservation of soil and water resources requires planning and programs to ensure:
(i) the development and use of soil and water resources; and
(ii) soil and water resources' protection from the adverse effects of wind and water erosion, sediment, and sediment related pollutants.
(2) The Legislature finds that local production of food is essential for:
(a) the security of the state's food supply; and
(b) the self-sufficiency of the state's citizens.
(3) The Legislature finds that sustainable agriculture is critical to:
(a) the success of rural communities;
(b) the historical culture of the state;
(c) maintaining healthy farmland;
(d) maintaining high water quality;
(e) maintaining abundant wildlife;
(f) high-quality recreation for citizens of the state; and
(g) helping to stabilize the state economy.
(4) The Legislature finds that livestock grazing on public lands is important for the proper management, maintenance, and health of public lands in the state.
(5) The Legislature encourages each agricultural producer in the state to operate in a reasonable and responsible manner to maintain the integrity of soil, water, and air.
(6) The Legislature finds that soil health is essential to protecting the state's soil and water resources, bolstering the state's food supply, and sustaining the state's agricultural industry.

Amended by Chapter 91, 2025 General Session

4-18-103 Definitions.

As used in this chapter:
(1)
(a) "Agricultural discharge" means the release of agriculture water from the property of a farm, ranch, or feedlot that:
(i) pollutes a surface body of water, including a stream, lake, pond, marshland, watercourse, waterway, river, ditch, or other water conveyance system;
(ii) pollutes ground water; or
(iii) constitutes a significant nuisance to urban land.
(b) "Agricultural discharge" does not include:
(i) runoff from a farm, ranch, or feedlot, or the return flow of water from an irrigated field onto land that is not part of a body of water; or
(ii) a release of water from a farm, ranch, or feedlot into a normally dry water conveyance leading to an active body of water, if the release does not reach the water of a lake, pond, stream, marshland, river, or other active body of water.
(2) "Agricultural operation" means a farm, ranch, or animal feeding operation.
(3) "Agriculture water" means:
(a) water used by a farm, ranch, or feedlot for the production of food, fiber, or fuel;
(b) the return flow of water from irrigated agriculture; or
(c) agricultural storm water runoff.
(4) "Alternate" means a substitute for a district supervisor if the district supervisor cannot attend a meeting.

(5)
(a) "Animal feeding operation" means a facility where animals, other than aquatic animals, are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period.
(b) "Animal feeding operation" does not include an operation where animals are in areas such as pastures or rangeland that sustain crops or forage growth during the normal growing season.
(6) "Best management practices" means practices, including management policies and the use of technology, used by each sector of agriculture in the production of food and fiber that are commonly accepted practices, or that are at least as effective as commonly accepted practices, and that:
(a) protect the environment;
(b) protect human health;
(c) ensure the humane treatment of animals; and
(d) promote the financial viability of agricultural production.
(7) "Commission" means the Conservation Commission created in Section 4-18-104.
(8) "Comprehensive nutrient management plan" or "nutrient management plan" means a plan to properly store, handle, and spread manure and other agricultural byproducts to:
(a) protect the environment; and
(b) provide nutrients for the production of crops.
(9) "Coordinated resource management plan" means a plan of action created at a local level with broad participation of land owners, natural resource agencies, and interested stakeholders to protect or enhance the environment, human health, humane treatment of animals, and financial viability in the community.
(10) "District" or "conservation district" has the same meaning as "conservation district" as defined in Section 17D-3-102.
(11) "Fodder" means food for livestock.
(12) "Hydroponic" means a technique for growing plants without soil.
(13) "Pollution" means a harmful human-made or human-induced alteration to the water of the state, including an alteration to the chemical, physical, biological, or radiological integrity of water that harms the water of the state.
(14) "State technical standards" means a collection of best management practices that will protect the environment in a reasonable and economical manner for each sector of agriculture as required by this chapter.
(15) "Sustainable agriculture" means agriculture production and practices that promote:
(a) the environmental responsibility of owners and operators of farms, ranches, and feedlots; and
(b) the profitability of owners and operators of farms, ranches, and feedlots.

Amended by Chapter 91, 2025 General Session

4-18-104 Conservation Commission created -- Composition -- Appointment -- Terms -- Compensation -- Attorney general to provide legal assistance.
(1) There is created within the department the Conservation Commission to perform the functions specified in this chapter.
(2) The Conservation Commission shall be composed of:
(a) 12 voting members, including:
(i) the director of the Extension Service at Utah State University or the director's designee;
(ii) the executive director of the Department of Natural Resources or the executive director's designee;

(iii) the executive director of the Department of Environmental Quality or the executive director's designee;
(iv) the president of the County Weed Supervisors Association or the president's designee; and
(v) seven district supervisors who provide district representation on the commission on a multicounty basis; and
(b) the commissioner or the commissioner's designee.
(3) If a district supervisor is unable to attend a meeting, the district supervisor may designate an alternate to serve in the place of the district supervisor for that meeting.
(4) None of the members described in Subsection (2)(a)(v) or (3) may serve on an association that represents a conservation district.
(5)
(a) The commissioner or the commissioner's designee shall serve as chair of the Conservation Commission.
(b) The commissioner or the commissioner's designee may not vote except in the event of a tie, in which case the commissioner or the commissioner's designee shall cast the deciding vote.
(6) The members of the commission specified in Subsection (2)(a)(v) shall:
(a) be recommended by the commission to the governor; and
(b) be appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
(7)
(a) Except as required by Subsection (7)(b), as terms of current commission members expire, the governor shall appoint each new member or reappointed member to a four-year term.
(b) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.
(c) A commission member may not be appointed to more than two consecutive terms.
(8) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(9) When the governor makes a new appointment or reappointment under Subsection (7)(a), or a vacancy appointment under Subsection (8), the governor's new appointment, reappointment, or vacancy appointment shall be made with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
(10) Attendance of six voting members of the commission at a meeting constitutes a quorum.
(11) 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.
(12) The commission shall keep a record of the commission's actions.
(13) The attorney general shall provide legal services to the commission upon request.
(14) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Amended by Chapter 529, 2024 General Session

4-18-105 Conservation Commission -- Functions and duties.
(1) The commission shall:

(a) facilitate the development and implementation of the strategies and programs necessary to:
(i) protect, conserve, use, and develop the soil, water, and air resources of the state; and
(ii) promote the protection, integrity, and restoration of land for agricultural and other beneficial purposes;
(b) disseminate information regarding districts' activities and programs;
(c) supervise the formation, reorganization, or dissolution of districts according to the requirements of Title 17D, Chapter 3, Conservation District Act;
(d) prescribe uniform accounting and recordkeeping procedures for districts and require each district to submit annually the information required in Section 17D-3-103;
(e) approve and make loans for purposes listed in Section 4-18-106, through the loan advisory board described in Section 4-18-106, from the Agriculture Resource Development Fund;
(f) seek to obtain and administer federal or state money in accordance with applicable federal or state guidelines and make loans or grants from that money to an eligible entity, as defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the preservation of soil, water, and air resources, or for a reason set forth in Section 4-18-108;
(g) seek to coordinate soil and water protection, conservation, and development activities and programs of state agencies, local governmental units, other states, special interest groups, and federal agencies;
(h) when assigned by the governor, when required by contract with the Department of Environmental Quality, or when required by contract with the United States Environmental Protection Agency:
(i) develop programs for the prevention, control, or abatement of new or existing pollution to the soil, water, or air of the state;
(ii) advise, consult, and cooperate with affected parties to further the purpose of this chapter;
(iii) conduct studies, investigations, research, and demonstrations relating to agricultural pollution issues;
(iv) give reasonable consideration in the exercise of its powers and duties to the economic impact on sustainable agriculture;
(v) meet the requirements of federal law related to water and air pollution in the exercise of the commission's powers and duties; and
(vi) establish administrative penalties relating to agricultural discharges as defined in Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm; and
(i) coordinate with the Division of Conservation created in Section 4-46-401.
(2) The commission may:
(a) employ, with the approval of the department, an administrator and necessary technical experts and employees;
(b) execute contracts or other instruments necessary to exercise the commission's powers;
(c) take necessary action to promote and enforce the purpose and findings of Section 4-18-102;
(d) sue and be sued; and
(e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and Subsections (2) (b) and (c).

Amended by Chapter 126, 2023 General Session

4-18-106 Agriculture Resource Development Fund -- Contents -- Use of fund money -- Advisory board.

(1) As used in this section:
(a) "Disaster" means an extraordinary circumstance, including a flood, drought, or fire, that results in:
(i) the president of the United States declaring an emergency or major disaster in the state;
(ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or
(iii) the chief executive officer of a local government declaring a local emergency under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.
(b) "Fund" means the Agriculture Resource Development Fund created in this section.
(c) "Local government" means the same as that term is defined in Section 53-2a-602.
(2) There is created a revolving loan fund known as the "Agriculture Resource Development Fund."
(3) The fund shall consist of:
(a) money appropriated to the fund by the Legislature;
(b) money received for the repayment of loans made from the fund;
(c) money from a preferential user to reimburse the commission for loans made from the fund in accordance with Title 73, Chapter 3d, Part 4, Compensation;
(d) money made available to the state for agriculture resource development or for a temporary water shortage emergency, as defined in Section 73-3d-101, from any source; and
(e) interest earned on the fund.
(4) The commission may make loans from the fund for:
(a) a rangeland improvement and management project;
(b) a watershed protection or flood prevention project;
(c) a soil and water conservation project;
(d) a program designed to promote energy efficient farming practices;
(e) an improvement program for agriculture product storage or program designed to protect a crop or animal resource;
(f) a hydroponic or aquaponic system, including a hydroponic fodder production system;
(g) a project or program to improve water quality;
(h) a project to address other environmental issues;
(i) subject to Subsection (5), a disaster relief program designed to aid the sustainability of agriculture during and immediately following a disaster; or
(j) subject to Subsection (6), authorized for temporary water shortage emergencies as provided in Title 73, Chapter 3d, Part 4, Compensation.
(5)
(a) Loans made through a disaster relief program described in Subsection (4)(i) may not comprise more than 10% of the funds appropriated by the Legislature to the fund.
(b) Notwithstanding Subsection (5)(a), the department may use the money appropriated to the fund by the Legislature or another source, without limitation, if the money is appropriated specifically for use in a disaster relief program.
(c)
(i) Until December 31, 2024, the department is authorized to borrow up to $3,000,000 of General Fund appropriations from the Agricultural Water Optimization Account created in Section 73-10g-204 to be used in making loans through a disaster relief program described in Subsection (4)(i).
(ii) If the department borrows from the Agricultural Water Optimization Account under Subsection (5)(c)(i), the department shall deposit the repayment of principal and interest on loans made through a disaster relief program, regardless of the source of the funds used to make those loans, into the Agricultural Water Optimization Account, with preference

over the repayment of any other source of funds, until the Agricultural Water Optimization Account is repaid in full.

(6) The commission may not have at one time an aggregate amount of loans made under Subsection (4)(j) that exceeds $5,000,000.

(7) The commission may appoint an advisory board to:

(a) oversee the award process for loans, as described in this section;

(b) approve loans; and

(c) recommend policies and procedures for the fund that are consistent with statute.

(8) The department shall obtain an approved annual budget from the commission to use money from the fund to pay for the costs of administering the fund and loans made from the fund.

Amended by Chapter 91, 2025 General Session

4-18-108 Grants for environmental improvement projects -- Criteria for award -- Duties of commission.

(1) The commission may make a grant from the Agriculture Resource Development Fund, or from funds appropriated by the federal government, Legislature, or another entity, to an eligible entity, as defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for:

(a) control or eradication of noxious weeds and invasive plant species in cooperation and coordination with a local weed board;

(b) the costs of plans or projects to improve manure management, control surface water runoff, or address other environmental issues on a farm or ranch operation, including the costs of preparing or implementing a nutrient management plan;

(c) the improvement of water quality;

(d) the improvement of water quantity and flows;

(e) hydroponic fodder production;

(f) the development of watershed plans; or

(g) a program to address other environmental issues.

(2)

(a) In awarding a grant, the commission shall consider the following criteria:

(i) the ability of the grantee to pay for the costs of proposed plans or projects;

(ii) the availability of:

(A) matching funds provided by the grantee or another source; or

(B) material, labor, or other items of value provided in lieu of money by the grantee or another source; and

(iii) the benefits that accrue to the general public by the awarding of a grant.

(b) The commission may establish by rule additional criteria for the awarding of a grant.

(3) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

(4) The commission may appoint an advisory board to:

(a) assist with the grant process;

(b) make recommendations to the commission regarding grants; and

(c) establish policies and procedures for awarding loans or grants.

Amended by Chapter 144, 2023 General Session
Amended by Chapter 238, 2023 General Session

Part 2
Salinity Offset Fund

4-18-201 Title -- Definitions.

(1) This part is known as "Salinity Offset Fund."

(2) As used in this part, "Colorado River Salinity Offset Program" means a program, administered by the Division of Water Quality, allowing oil, gas, or mining companies and other entities to provide funds to finance salinity reduction projects in the Colorado River Basin by purchasing salinity credits as offsets against discharges made by the company under permits issued by the Division of Water Quality.

Enacted by Chapter 345, 2017 General Session

4-18-202 Salinity Offset Fund.

(1)

(a) There is created an expendable special revenue fund known as the "Salinity Offset Fund."

(b) The fund shall consist of:

(i) money received from the Division of Water Quality that has been collected as part of the Colorado River Salinity Offset Program;

(ii) grants from local governments, the state, or the federal government;

(iii) grants from private entities; and

(iv) interest on fund money.

(2)

(a) The department shall:

(i) subject to the rules established under Subsection (2)(a)(ii), distribute fund money to farmers, ranchers, mutual irrigation companies, and other entities in the state to assist in financing irrigation, rangeland, and watershed improvement projects that will, in accordance with the Colorado River Salinity Offset Program, reduce salinity in the Colorado River; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing:

(A) a project funding application process;

(B) project funding requirements;

(C) project approval criteria; and

(D) standards for evaluating the effectiveness of funded projects in reducing salinity in the Colorado River.

(b) The department may require entities seeking fund money to provide matching funds.

(c) The department shall submit to the Division of Water Quality proposed funding projects for the division's review and approval.

(d) The Division of Water Quality and the department shall establish a committee to review and approve projects, as funding allows.

(3)

(a) Except as provided in Subsection (3)(b), the department may use fund money for the administration of the fund, but this amount may not exceed 10% of the receipts to the fund.

(b) The department may not use earned interest for administration of the fund.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Utah Soil Health Program

4-18-301 Title.

This part is known as the "Utah Soil Health Program."

Enacted by Chapter 178, 2021 General Session

4-18-302 Definitions.

As used in this part:

(1) "Agricultural producer" means a person engaged in the production of a product of agriculture, as defined in Section 4-1-109.

(2) "Commission" means the Conservation Commission created in Section 4-18-104.

(3) "Commissioner" means the commissioner of agriculture and food or the commissioner's designee.

(4) "Demonstration project" means an on- or off-farm or ranch project that incorporates soil health practices and principles into soil management for the purposes of demonstrating soil health practices and the resulting impacts to agricultural producers and others.

(5)

(a) "Educational project" means a project that promotes knowledge about soil health to eligible entities, consumers, policymakers, and others.

(b) "Educational project" includes the development of written or video-based materials or in-person events, such as workshops, field days, or conferences.

(6) "Eligible entities" means public, governmental, and private entities, including:

(a) conservation districts;

(b) producers;

(c) groups of producers;

(d) producer groups;

(e) producer cooperatives;

(f) water conservancy districts;

(g) American Indian Tribes;

(h) nonprofit entities;

(i) academic or research institutions and subdivisions of these institutions;

(j) the United States or any corporation or agency created or designed by the United States; or

(k) the state or any of the state's agencies or political subdivisions.

(7) "Environmental benefits" means benefits to natural and agricultural resources and human health, including:

(a) improved air quality;

(b) surface or ground water quality and quantity;

(c) improved soil health, including nutrient cycling, soil fertility, or drought resilience;

(d) reductions in agricultural inputs;

(e) carbon sequestration or climate resilience;

(f) increased biodiversity; or

(g) improved nutritional quality of agricultural products.

(8) "Historically underserved producer" means a producer who qualifies as one of the following:

(a) a beginning farmer or rancher, as defined in 7 U.S.C. Sec. 2279;
(b) a limited resource farmer or rancher, as described in 7 U.S.C. Sec. 9081;
(c) a socially disadvantaged farmer or rancher, as defined in 7 U.S.C. Sec. 2003; or
(d) a veteran farmer or rancher, as defined in 7 U.S.C. Sec. 1502.

(9) "Implementation project" means a project that provides incentives directly to producers to implement on-farm or on-ranch soil health practices.

(10) "Incentives" means monetary incentives, including grants and loans, or non-monetary incentives, including equipment, technical assistance, educational materials, outreach, and market development assistance for market premiums or ecosystem services markets.

(11) "Land manager" means a manager of land where agricultural activities occur, including:
(a) a federal land manager;
(b) a lessee of federal, tribal, state, county, municipal, or private land where agricultural activities occur; or
(c) others as the department may determine.

(12) "Landowner" means an owner of record of federal, tribal, state, county, municipal, or private land where agricultural activities occur.

(13) "Program" means the Utah Soil Health Program created in Section 4-18-303.

(14)
(a) "Research project" means a project that advances the scientific understanding of how agricultural practices improve soil health, and related impacts, such as environmental benefits, benefits to human health, including the nutritive composition of foods, or economic impacts.
(b) "Research project" includes projects at experiment stations, on:
(i) lands owned by the United States or any corporation or agency created or designed by the United States;
(ii) lands owned by the state or any of the state's agencies or political subdivisions; or
(iii) private lands.

(15) "Soil health" means the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.

(16) "Soil health activities" means implementation of soil health practices, research projects, demonstration projects, or educational projects, or other activities the department finds necessary or appropriate to promote soil health.

(17) "Soil Health Advisory Committee" means the committee created in Section 4-18-306.

(18) "Soil health grant program" means the grant program authorized in Section 4-18-304.

(19) "Soil health practices" means those practices that may contribute to soil health, including:
(a) no-tillage;
(b) conservation tillage;
(c) crop rotations;
(d) intercropping;
(e) cover cropping;
(f) planned grazing;
(g) the application of soil amendments that add carbon or organic matter, including biosolids, manure, compost, or biochar;
(h) revegetation; or
(i) other practices the department determines contribute or have the potential to contribute to soil health.

(20) "Soil health principle" means a principle that promotes soil health and includes maximizing soil cover, minimizing soil disturbance, maximizing biodiversity, maintaining a continual live plant or root in the soil, or integrating livestock.
(21) "State soil health inventory and platform" means a tool, including a geospatial inventory, documenting:
(a) the condition of agricultural soils;
(b) the implementation of soil health practices; or
(c) the environmental and economic impacts, including current and potential future carbon holding capacity of soils, or other information the department considers appropriate.
(22) "Technical assistance organization" means a person, including an eligible entity, who has demonstrated technical expertise in implementing soil health practices and soil health principles, as determined by the department.

Amended by Chapter 274, 2022 General Session
Enacted by Chapter 178, 2021 General Session

4-18-303 Creates Utah Soil Health Program -- Program and purposes.
(1) Under the commission there is created the Utah Soil Health Program.
(2) The program shall:
(a) encourage widespread adoption of soil health practices by producers;
(b) promote environmental benefits;
(c) advance the understanding of the environmental and economic benefits of soil health practices by producers, policymakers, consumers, and the general public; and
(d) support scientific research.
(3) The program may obtain the objectives described in Subsection (2) by:
(a) providing incentives to implement soil health practices;
(b) increasing the understanding of the benefit of soil health practices through education and outreach programs;
(c) advancing scientific understanding of soil health as it relates to:
(i) the existing conditions of Utah's agricultural soils, including current carbon storage and carbon storage potential;
(ii) the on- and off-farm or ranch environmental benefits of soil health practices; and
(iii) the on- and off-farm or ranch economic benefits of soil health practices;
(d) evaluating currently available or developing new consistent soil health sampling and testing protocols appropriate for Utah's agricultural systems; and
(e) facilitating multi-stakeholder collaboration to advance the understanding of the science of soil health and the implementation of soil health practices, including amongst the federal government and the federal government's agencies, agencies and political subdivisions of the state, academic or research institutions, non-governmental organizations, private entities, nonprofits, producers, or other parties.
(4) The department shall provide support to the commission in implementing the program.

Enacted by Chapter 178, 2021 General Session

4-18-304 Program development.
(1) In consultation with the Soil Health Advisory Committee created in Section 4-18-306 and in accordance with Subsection 4-18-305(1)(e), the commission may establish the following programs:

(a) a grant program for eligible entities to engage in soil health activities including implementation, research, education, or demonstration projects;
(b) a state soil health monitoring and inventory platform; or
(c) other programs the commission considers appropriate or necessary.
(2) In establishing a program in accordance with Subsection (1), the commission may prioritize the establishment of programs based on the needs of historically underserved producers, the availability of funds and staffing, emerging areas of scientific inquiry and research, environmental benefits, or other considerations.
(3) A program established pursuant to this section shall be voluntary and incentive-based and may not:
(a) require participation by an eligible entity;
(b) mandate the implementation of soil health practices by non-participating entities; or
(c) bind participants to execute specific practice standards in adverse climate conditions or circumstances with limited or no chance of success or that would cause irreparable physical or economic harm to the producer's operation physically or economically.
(4) In addition to Section 4-18-307:
(a) the commission, grantees, partners, or other program participants may not disclose, sell, or otherwise provide information that could be used to identify the agricultural operations or practices of program participants without express permission provided in writing; and
(b) in determining whether information may be released, the private interests of a participant are presumed to outweigh the public interest in disclosure.
(5) The commission shall act as the policy board to set guidelines by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the administration of programs developed under Section 4-18-305. The Soil Health Advisory Committee serves as an advisory committee to the commission.

Enacted by Chapter 178, 2021 General Session

4-18-305 Powers and duties.
(1) In carrying out the provisions of this part, including for the soil health grant program, the commission may:
(a) subject to Subsection (2), accept grants, gifts, services, donations, or other resources from:
(i) the United States government or a corporation or agency created or designed by the United States to lend or grant money;
(ii) the state or any of the state's political subdivisions; or
(iii) any other source;
(b) administer and expend money for the purpose of planning, developing, or putting into operation a program or project in accordance with Section 4-18-304 that is made available to the department:
(i) by the United States government or any of the United States' agencies;
(ii) by the state or any of the state's political subdivisions; or
(iii) derived from any other source;
(c) provide grants, loans, and other resources to an eligible entity to perform soil health activities;
(d) unless otherwise specified by the grantor or donor, use funds received, including from the state or any of the state's political subdivisions or the United States government or any of the United States' agencies, to serve as matching funds for soil health activities;
(e) place money the commission receives pursuant to Subsection (1)(a) into an escrow account and to administer and expend any money or interest accrued in the trust; and

(f) cooperate and collaborate with:
(i) producers;
(ii) groups of producers;
(iii) producer cooperatives;
(iv) conservation districts;
(v) water conservancy districts;
(vi) academic, land grant, or other research institutions;
(vii) the United States government, the United States' agencies, or any corporation of the United States;
(viii) the state or any of the state's political subdivisions;
(ix) other states;
(x) American Indian Tribes; or
(xi) other entities as the commission may decide for the purpose of advancing the scientific understanding of soil health, soil health practices, or the environmental or economic outcomes, increasing monetary or nonmonetary resources to support scientific research, or in applying for grants, including applying for grants jointly, or otherwise obtaining resources to support the programs authorized in this part.

(2)
(a) The department may not pledge the faith or credit of the state or any county or other political subdivision.
(b) In connection with grants, gifts, donations, or other resources, the commission:
(i) may enter into agreements or contracts as may be required; and
(ii) shall comply with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, and executive orders establishing ethics policy for executive branch agencies and employees.

(3) In establishing a soil health grant program, the commission shall issue guidelines, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) make money available for demonstration, educational, implementation, or research grants to eligible entities;
(b) if a grant recipient of an implementation, demonstration, or research project grant does not have sufficient expertise in implementing soil health practices or principles or interpreting project outcomes, require the recipient to work with a technical assistance organization;
(c) ensure that the most accurate and current scientific evidence related to soil health, soil health practices, and economic and environmental benefits of soil health practices is considered in awarding a grant;
(d) minimize the use of money by grant recipients for costs not directly related to grant outcomes, such as administrative expenses or other expenses related to overhead;
(e) establish a monitoring and oversight procedure to ensure that money is spent in accordance with the state law; and
(f) establish protocols to ensure the confidentiality of producer, landowner, and land information, including with respect to a state soil health monitoring and inventory platform and state soil health testing program.

(4) Notwithstanding Subsection 4-18-304(3) and Section 4-18-307, the commission shall require a recipient of a grant for research, educational, or demonstration projects to:
(a) conduct outreach and educational activities regarding the projects, including field day visits; and
(b) disclose information related to the projects, including the locations of the projects, the soil health practices implemented, and the environmental or economic outcomes.

(5) Upon receiving money to implement a soil health grant program, the commission shall make money available to eligible entities by July 1 of the following year.
(6) The commission may adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out this part.

Enacted by Chapter 178, 2021 General Session

4-18-306 Soil Health Advisory Committee.
(1) The Soil Health Advisory Committee is created under the commission.
(2) The Soil Health Advisory Committee shall assist the commission in administering the program.
(3) The Soil Health Advisory Committee shall maintain no less than seven members appointed by the commissioner.
(4) Soil Health Advisory Committee members shall include farmers, ranchers, or other agricultural producers of diverse production systems, including diversity in size, product, irrigated and dryland systems, and other production methods. Members may include:
  (a) an irrigated crop producer;
  (b) a dryland crop producer;
  (c) a dairyman or pasture producer;
  (d) a rancher;
  (e) a specialty crop or small farm producer;
  (f) a crop consultant;
  (g) a tribal representative;
  (h) a representative with expertise in soil health;
  (i) a committee member representative of the commission; or
  (j) a Utah Association of Conservation Districts representative.
(5) At least two members of the Soil Health Advisory Committee shall be water users who own, lease, or represent owners of adjudicated water rights used for agricultural purposes.
(6) Representation on the Soil Health Advisory Committee shall reflect the different geographic areas and demographic diversity of the state, to the greatest extent possible.
(7)
  (a) The commissioner shall appoint members of the Soil Health Advisory Committee for four year terms.
  (b) Notwithstanding the requirements of Subsection (7)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of Soil Health Advisory Committee members are staggered so that approximately half of the committee is appointed every two years.
  (c) An appointee to the Soil Health Advisory Committee may not serve more than two full terms.
(8) A Soil Health Advisory Committee member shall hold office until the expiration of the term for which the member is appointed or until a successor has been duly appointed.
(9) The commissioner may remove a member of the Soil Health Advisory Committee for cause.
(10) The Soil Health Advisory Committee may invite a representative of the Utah Association of Conservation Districts, the United States Department of Agriculture Natural Resources Conservation Service, Utah State University faculty member, the Department of Natural Resources, Division of Water Rights, and Division of Water Quality, to provide technical expertise to the Soil Health Advisory Committee on an as needed basis.
(11) The department will provide staff to manage the Soil Advisory Health Committee.
(12) The Soil Health Advisory Committee shall make recommendations to the commission concerning and assist in:

(a) setting program priorities;
(b) developing the development of guidelines for the implementation of the program, including guidelines and recommendations for the qualifications of nonprofit entities to receive grant money;
(c) soliciting input from similar stakeholders within each member's area of expertise and region of the state and communicate the Soil Health Advisory Committee's recommendations to the region and stakeholders represented by each member;
(d) soliciting input, in collaboration with the department, from underserved agricultural producers;
(e) soliciting input from producers that reflect the different geographic areas and demographic diversity of the state to the greatest extent possible;
(f) identifying key questions and areas of need to recommend for future research and demonstration efforts;
(g) reviewing soil health grant proposals, including proposed budgets, proposed grant outcomes, and the qualifications of any nonprofits applying for grants;
(h) creating a screening and ranking system for proposals and proposing funding recommendations to the commission;
(i) reviewing agreements for cooperation or collaboration entered into by the department pursuant to Subsection 4-18-305(1)(f) and making recommendations to the commission for approval;
(j) reviewing and recommending soil health practices to ensure they support soil health;
(k) evaluating the results and effectiveness of soil health activities and the program in improving soil health; and
(l) recommending to the commission, ways to enhance statewide efforts to support healthy soils throughout the state.

(13) The Soil Health Advisory Committee shall meet at least quarterly. Meetings shall be conducted as required by Title 52, Chapter 4, Open and Public Meetings Act.

(14) 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.

Amended by Chapter 528, 2023 General Session

4-18-307 Producer and landowner information - confidentiality.

(1) With regard to information that constitutes a record under Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding that act, the department may not disclose a record, including analyses or a map, compiled or maintained pursuant to this part that is related to private lands and identify, or allow to be identified, the agricultural practices of a specific Utah landowner or producer.

(2) In determining whether a record may be released, private interests are presumed to outweigh the public interest in disclosure.

(3) Summary or aggregated data that does not specifically identify agricultural practices of an individual landowner or producer is not subject to this section.

Enacted by Chapter 178, 2021 General Session

4-18-308 Reporting requirement.

(1) Each year, before November 1, the department shall prepare and make available to the public a report on the department's official website that contains the following information:
(a) an accounting of money received and spent for the program;
(b) a description of activities undertaken, including the number and type of grant-funded projects and the educational and stakeholder engagement activities; and
(c) a summary of the activities and recommendations of the Soil Health Advisory Committee.
(2) The commissioner shall annually report to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November interim meeting of that committee. The report shall include the information described in Subsection (1).

Amended by Chapter 59, 2024 General Session

Chapter 19
Rural Rehabilitation

4-19-101 Title.
This chapter is known as "Rural Rehabilitation."

Enacted by Chapter 345, 2017 General Session

4-19-102 Department responsible for conduct and administration of rural rehabilitation program.
The department shall conduct and administer the rural rehabilitation program within the state in accordance with the agreement entered into in January 1975, between the United States of America through its Farm Home Administration and the state through its commissioner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-19-103 Department authorized to approve and make grants and loans, acquire property, and lease or operate property.
The department, in conjunction with the administration of the rural rehabilitation program, may:
(1) approve and make a loan to a farm or agricultural cooperative association regulated under Title 3, Uniform Agricultural Cooperative Association Act, subject to Section 4-19-104, including:
(a) taking security for the loan through a mortgage, trust deed, pledge, or other security device;
(b) purchasing a promissory note, real estate contract, mortgage, trust deed, or other instrument or evidence of indebtedness; and
(c) collecting, compromising, canceling, or adjusting a claim or obligation arising out of the administration of the rural rehabilitation program;
(2) purchase or otherwise obtain property in which the department has acquired an interest on account of a mortgage, trust deed, lien, pledge, assignment, judgment, or other means at any execution or foreclosure sale;
(3) operate or lease, if necessary to protect its investment, property in which it has an interest, or sell or otherwise dispose of the property; and

(4) approve and make an education loan or an education grant to an individual for the purpose of attending a vocational school, college, or university to obtain additional education, qualifications, or skills.

Renumbered and Amended by Chapter 345, 2017 General Session

4-19-104 Loans -- Not to exceed period of 10 years -- Agricultural Advisory Board executive committee to approve loans and renewals, methods of payments, and interest rates -- Guidelines in fixing interest rates declared.

(1) The department may not make a loan authorized under this chapter for a period to exceed 10 years, but the loan is renewable.
(2) Except as provided in Subsection (5), the Agricultural Advisory Board executive committee created in Section 4-2-108 shall approve:
  (a) loans and renewals;
  (b) the methods of repayment; and
  (c) the interest rates charged.
(3) In fixing interest rates, the Agricultural Advisory Board executive committee shall consider:
  (a) the current applicable interest rate or rates being charged by the USDA Farm Service Agency on similar loans;
  (b) the current prime rate charged by leading lending institutions; and
  (c) any other pertinent economic data.
(4) The interest rates established shall be compatible with guidelines stated in this section.
(5) The Agricultural Advisory Board executive committee may create a subcommittee from the Agricultural Advisory Board membership to approve a loan or renewal under this section.

Amended by Chapter 126, 2021 General Session

4-19-105 Utah Rural Rehabilitation Fund.

(1) The department shall deposit all income generated from the administration of the rural rehabilitation program in a separate fund known as the "Utah Rural Rehabilitation Fund."
(2) The Division of Finance shall maintain the Utah Rural Rehabilitation Fund and record all debits and credits made to the fund by the department.
(3) The Office of the Treasurer shall deposit interest and other earnings derived from investment of money in the Utah Rural Rehabilitation Fund into the fund.

Amended by Chapter 79, 2022 General Session
Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 20
Rangeland Improvement Act

4-20-101 Title.

This chapter is known as the "Rangeland Improvement Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-102 Definitions.

As used in this chapter:

(1) "Cooperative weed management association" means a multigovernmental association cooperating to control noxious weeds in a geographic area that includes some portion of Utah.

(2) "Fees" means the revenue collected by the United States secretary of interior from assessments on livestock using public lands.

(3) "Grazing district" means an administrative unit of land:

(a) designated by the commissioner as valuable for grazing and for raising forage crops; and

(b) that consists of any combination of the following:

(i) public lands;

(ii) private land;

(iii) state land; and

(iv) school and institutional trust land as defined in Section 53C-1-103.

(4) "Public lands" mean vacant, unappropriated, reserved, and unreserved federal lands.

(5) "Regional board" means a regional grazing advisory board with members appointed under Section 4-20-104.

(6) "Restricted account" means the Rangeland Improvement Account created in Section 4-20-105.

(7) "Sales" or "leases" means the sale or lease, respectively, of isolated or disconnected tracts of public lands by the United States secretary of interior.

(8) "State board" means the Utah Grazing Improvement Program Advisory Board created under Section 4-20-103.

Amended by Chapter 84, 2022 General Session
Enacted by Chapter 345, 2017 General Session

4-20-103 Utah Grazing Improvement Program Advisory Board -- Duties.

(1)

(a) There is created within the department the Utah Grazing Improvement Program Advisory Board.

(b) The commissioner shall appoint the following members:

(i) one member from each regional board;

(ii) one member from the Conservation Commission, created in Section 4-18-104;

(iii) one representative of the Department of Natural Resources;

(iv) two livestock producers at-large; and

(v) one representative of the oil, gas, or mining industry.

(2) The term of office for a state board member is four years.

(3) Members of the state board shall elect a chair, who shall serve for two years.

(4) 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.

(5) The state board shall:

(a) receive:

(i) advice and recommendations from a regional board concerning:

(A) management plans for public lands, state lands, and school and institutional trust lands as defined in Section 53C-1-103, within the regional board's region; and

(B) any issue that impacts grazing on private lands, public lands, state lands, or school and institutional trust lands as defined in Section 53C-1-103, in its region; and
(ii) requests for restricted account money from the entities described in Subsections (5)(c)(i) through (iv);
(b) recommend state policy positions and cooperative agency participation in federal and state land management plans to the department and to the Public Lands Policy Coordinating Office, created under Section 63L-11-201; and
(c) advise the department on the requests and recommendations of:
(i) regional boards;
(ii) county weed control boards, created in Section 4-17-105;
(iii) cooperative weed management associations; and
(iv) conservation districts created under the authority of Title 17D, Chapter 3, Conservation District Act.

Amended by Chapter 84, 2022 General Session
Amended by Chapter 382, 2021 General Session

4-20-104 Regional grazing advisory boards -- Duties.
(1) The commissioner shall appoint members to a regional board for each grazing district from nominations submitted by:
(a) the Utah Cattlemen's Association;
(b) the Utah Woolgrowers Association;
(c) the Utah Farm Bureau Federation; and
(d) a conservation district, if the conservation district's boundaries include some portion of the grazing district.
(2) Regional boards:
(a) shall provide advice and recommendations to the state board; and
(b) may receive money from the Rangeland Improvement Account created in Section 4-20-105.
(3) If a regional board receives money as authorized by Subsection (2)(b), the regional board shall elect a treasurer to expend the money:
(a) as directed by the regional board; and
(b) in accordance with Section 4-20-106.

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-105 Rangeland Improvement Account -- Administered by department.
(1)
(a) There is created a restricted account within the General Fund known as the "Rangeland Improvement Account."
(b) The restricted account shall consist of:
(i) money received by the state from the United States Secretary of Interior under the Taylor Grazing Act, 43 U.S.C. Section 315 et seq., for sales, leases, and fees;
(ii) grants or appropriations from the state or federal government; and
(iii) grants from private foundations.
(c) Interest earned on the restricted account shall be deposited into the General Fund.
(2) The department shall:
(a) administer the restricted account;
(b) obtain from the United States Department of Interior the receipts collected from:

(i) fees in each grazing district; and
(ii) the receipts collected from the sale or lease of public lands; and
(c) distribute restricted account money in accordance with Section 4-20-106.

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-106 Rangeland Improvement Account distribution.

(1) The department shall distribute restricted account money as provided in this section.
(a) The department shall:
(i) distribute pro rata to each school district the money received by the state under Subsection 4-20-105(1)(b)(i) from the sale or lease of public lands based upon the amount of revenue generated from the sale or lease of public lands within the district; and
(ii) ensure that all money generated from the sale or lease of public lands within a school district is credited and deposited to the general school fund of that school district.
(b)
(i) After the commissioner approves a request from a regional board, the department shall distribute pro rata to each regional board money received by the state under Subsection 4-20-105(1)(b)(i) from fees based upon the amount of revenue generated from the imposition of fees within that grazing district.
(ii) The regional board shall expend money received in accordance with Subsection (2).
(c)
(i) The department shall distribute or expend money received by the state under Subsections 4-20-105(1)(b)(ii) and (iii) for the purposes outlined in Subsection (2).
(ii) The department may require entities seeking funding from sources outlined in Subsections 4-20-105(1)(b)(ii) and (iii) to provide matching funds.
(2) The department shall ensure that restricted account distributions or expenditures under Subsections (1)(b) and (c) are used for:
(a) range improvement and maintenance;
(b) the control of predatory and depredating animals;
(c) the control, management, or extermination of invading species, range damaging organisms, and poisonous or noxious weeds;
(d) the purchase or lease of lands or a conservation easement for the benefit of a grazing district;
(e) watershed protection, development, distribution, and improvement;
(f) the general welfare of livestock grazing within a grazing district; and
(g) subject to Subsection (3), costs to monitor rangeland improvement projects.
(3) Annual account distributions or expenditures for the monitoring costs described in Subsection (2)(g) may not exceed 10% of the annual receipts of the fund.

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-107 Audit of grazing districts -- State auditor to coordinate with Department of Interior in conduct of audit.

The state auditor is authorized to coordinate with the Department of Interior in auditing the books of the several advisory boards.

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-108 Commissioner to supervise distribution of undistributed funds if United States alters or discontinues funding leaving funds or resources available.

If the United States alters or discontinues funding under the Taylor Grazing Act, 43 U.S.C. Sec. 315 et seq., or the operation of advisory boards, leaving funds or other resources undistributed or otherwise without means for continuation, the commissioner shall supervise and control the distribution of such undistributed funds or other resources.

Renumbered and Amended by Chapter 345, 2017 General Session

4-20-109 Promotion of multiple use of rangeland resources.

(1) The department shall work cooperatively to promote efficient multiple-use management of the rangeland resources of the public lands administered by the federal Bureau of Land Management within the state to benefit the overall public interest.
(2) The department may serve as an independent resource for mediating disputes concerning permit issues within the scope of Subsection (1).

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 21
Beef Promotion

Part 1
Organization

4-21-101 Title.

This chapter is known as "Beef Promotion."

Enacted by Chapter 393, 2018 General Session

4-21-102 Definitions.

As used in this chapter:

(1) "Council" means the Utah Beef Council created in Section 4-21-103.
(2) "Department" means the Utah Department of Agriculture and Food created in Section 4-2-102.
(3) "Marketing agency" means a person who acts as an agent of the seller in the sale of cattle in that the person issues payment to the seller and is entitled to a commission based upon the sale.
(4) "Producer" means a person who owns and raises or owns and feeds cattle.
(5) "Purchaser" means a person who buys cattle.
(6) "Seller" means a person who offers cattle for sale.

Renumbered and Amended by Chapter 393, 2018 General Session

4-21-103 Utah Beef Council created -- Composition -- Nomination and selection of appointed members -- Terms of appointed members -- Qualifications for nomination.

(1) There is created an independent state agency known as the Utah Beef Council.
(2) The Utah Beef Council consists of 10 members as follows:

(a) the commissioner of the Utah Department of Agriculture and Food, or the commissioner's designee;
(b) the president of the Utah Cattlemen's Association;
(c) the vice president of the Utah Cattlemen's Association;
(d) a member of the Utah Cattlemen's Association board of directors, chosen by the Utah Cattlemen's Association;
(e) the appointee from Utah on the national beef checkoff Cattlemen's Beef Promotion and Research Board, appointed by the United States Secretary of Agriculture;
(f) the president of the Utah Cattlewomen's Association;
(g) a member of the Utah Dairy Commission, chosen by the Utah Dairy Commission; and
(h) three at-large producers from the state of Utah, appointed as described in Subsection (4).

(3) In addition to the members listed in Subsection (2), the council may appoint nonvoting members.

(4)
(a) At-large candidates for appointment to the council shall be nominated by a formal written request signed by two or more producers and submitted to the council no later than October 1.
(b) A membership committee, consisting of the commissioner or the commissioner's designee, the council member representing the Utah Dairy Commission, and the president of the Utah Cattlemen's Association shall:
(i) select candidates for appointment to the council from the nominees submitted by producers; and
(ii) present the candidates to the governor for review and appointment on or before December 1.

(5)
(a) The governor shall appoint the at-large members to three-year terms beginning on January 1 of the year following appointment to the council.
(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of at-large members are staggered so that one at-large member is appointed each year.

(6) Each at-large member shall be:
(a) a citizen of the United States;
(b) 18 years of age or older;
(c) an active producer; and
(d) a resident of Utah.

Enacted by Chapter 393, 2018 General Session

4-21-104 Council -- Organization -- Quorum to transact business -- Removal for cause -- Vacancies -- Ineligibility to serve -- Compensation.

(1)
(a) The council members shall elect a chair, vice chair, and secretary annually from the voting members of the council.
(b) At least two of the members elected pursuant to Subsection (1)(a) shall be members listed in Subsection 4-21-103(2)(a), (e), or (h).

(2)
(a) A majority of voting members shall constitute a quorum.
(b) A majority vote of the quorum is necessary for the council to act.

(3) The council shall meet:
(a) at the time and place designated by the chair; and
(b) no less than once every three months.
(4) The commissioner, or the commissioner's designee, may, in consultation with the other members of the membership committee, remove a member for cause.
(5) Vacancies that occur on the council for any reason shall be filled by appointment for the unexpired term of the vacated member.
(6) If an at-large member ceases to act as a producer during the member's term, the member shall resign from the council within 30 days after ceasing production.
(7) Subject to Subsection (8), 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.
(8) A nonvoting member may not receive compensation or benefits for the member's service and may not receive per diem or travel expenses.

Enacted by Chapter 393, 2018 General Session

4-21-105 Council powers, duties, and functions -- Reporting requirements.
(1) The council has the following powers, duties, and functions:
(a) hire and fix the salary of an administrator and staff, who may not be members of the council, to administer the policies adopted and perform the duties assigned by the council;
(b) promote the beef industry of the state;
(c) encourage local, national, and international use of Utah beef, through advertising or otherwise;
(d) investigate and participate in studies of problems unique to Utah producers;
(e) take actions consistent with this chapter to promote, protect, and stabilize the state's beef industry;
(f) enter into contracts and incur indebtedness in furtherance of the council's business activities;
(g) cooperate with local, state, or national organizations engaged in activities similar to those of the council;
(h) accept grants, donations, or gifts for use consistent with this chapter; and
(i) do other things necessary for the efficient and effective management and operation of the council's business.
(2) The council shall:
(a) submit the council's proposed budget and an end-of-year audited financial statement to the department and the Office of the State Auditor within 180 days of the end of each fiscal year;
(b) provide the department, on an annual basis, with a detailed outline of the council's plans for future publications and messaging; and
(c) report, by October 1 of each year, to the Retirement and Independent Entities Interim Committee on the operations and activities of the council.

Enacted by Chapter 393, 2018 General Session

4-21-106 Exemption from certain operational requirements.
(1) The council is exempt from:
(a) Title 51, Chapter 5, Funds Consolidation Act;

(b) Title 63A, Utah Government Operations Code;
(c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt procedures to ensure that the council makes purchases:
(i) in a manner that provides for fair competition between providers; and
(ii) at competitive prices;
(d) Title 63J, Chapter 1, Budgetary Procedures Act; and
(e) Title 63A, Chapter 17, Utah State Personnel Management Act.
(2) The council is subject to:
(a) Title 51, Chapter 7, State Money Management Act;
(b) Title 52, Chapter 4, Open and Public Meetings Act;
(c) Section 67-3-12;
(d) Title 63G, Chapter 2, Government Records Access and Management Act;
(e) other Utah Code provisions not specifically exempted under Subsection 4-21-106(1); and
(f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor pursuant to Section 36-12-15.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session

4-21-107 Council may require crime insurance -- Payment of premium.
(1) The council may require the administrator or a council employee to obtain crime insurance in relation to the administrator's or employee's duties.
(2) The council shall set the amount of crime insurance required and pay the premium.

Amended by Chapter 76, 2025 General Session

Part 2
Revenue

4-21-201 Beef promotion fee -- Deposit of revenue.
(1)
(a) The department shall collect a fee established as required by Subsection (2) on all fee brand inspected cattle upon change of ownership or slaughter in an amount not more than $1 or less than 25 cents.
(b) The fee is collected by the local brand inspector at the time of inspection of cattle, or deducted and collected by the marketing agency or the purchaser.
(c) All revenue collected under this section shall be paid to the department, which shall deposit the revenue in a fund that is hereby created and is known as the "Beef Promotion Fund."
(2) Any fee currently assessed by the department continues in effect until modified by the department under Subsection (1).
(3) The fee assessed under this section is in addition to the amount of any assessment required to be paid pursuant to the Beef Promotion and Research Act of 1985, 7 U.S.C. Sec. 2901 et seq.

Renumbered and Amended by Chapter 393, 2018 General Session

4-21-202 Refund of fees allowed -- Claim for refund to be filed with department -- Payment of refunds.

(1) A person who objects to payment of the assessed fee may file a claim with the department within 60 days after the fee is collected.

(2) A claim for refund is not allowed if it is filed more than 60 days after the date the fee is collected.

(3) Each claim for a refund shall be certified by the department to the state treasurer for payment from the beef promotion account, subject to applicable provisions of the Beef Promotion and Research Act of 1985, 7 U.S.C. Sec. 2901 et seq.

Renumbered and Amended by Chapter 393, 2018 General Session

4-21-203 Revenue from fees to be used to promote beef industry -- Payment of revenue monthly to Utah Beef Council -- Deduction of costs of administration and processing funds -- Annual audit of books, records, and accounts -- Financial statement of audit published.

(1)

(a) All revenue derived from the collection of fees authorized by this chapter shall be paid to the council and used to promote the beef industry of the state.

(b) The revenue shall be paid monthly, as requested by the council, and the actual costs of administration for processing the funds shall be deducted before disbursing the funds.

(2)

(a) The books, records, and accounts of the council shall be audited at least once annually by a licensed accountant approved by the Office of the State Auditor.

(b) The results of the audit shall be submitted to the commissioner, and a financial statement of the audit and a general statement of operations and promotional and advertising activities shall be published by the council in a major livestock publication having general circulation in Utah.

(3) The books, records, and accounts of the council's activities are public records.

Renumbered and Amended by Chapter 393, 2018 General Session

Part 3
Liability and Enforcement

4-21-301 State disclaimer of liability.

The state is not liable for the acts or omissions of the council, council officers, agents, or employees.

Enacted by Chapter 393, 2018 General Session

4-21-302 Council not eligible for coverage under Risk Management Fund.

The council is not eligible to receive coverage under the Risk Management Fund created by Section 63A-4-201.

Enacted by Chapter 393, 2018 General Session

4-21-303 Representation by the attorney general.

(1) The attorney general is not the legal advisor for the council and has no obligation to defend the council or the council's members in an action or proceeding brought against the council.
(2) The attorney general may choose, at its sole discretion, to represent the council or its members if requested to do so and pursuant to reimbursement by contract.

Enacted by Chapter 393, 2018 General Session

Chapter 22
Dairy Promotion

Part 1
Organization

4-22-101 Title.

This chapter is known as "Dairy Promotion."

Enacted by Chapter 345, 2017 General Session

4-22-102 Definitions.

As used in this chapter:

(1) "Commission" means the Utah Dairy Commission.
(2) "Dealer" means any person who buys and processes raw milk or milk fat, or who acts as agent in the sale or purchase of raw milk or milk fat, or who acts as a broker or factor with respect to raw milk or milk fat or any product derived from either.
(3) "Producer" means a person who produces milk or milk fat from cows and who sells it for human or animal consumption, or for medicinal or industrial uses.
(4) "Producer-handler" means any producer who processes raw milk or milk fat.

Renumbered and Amended by Chapter 345, 2017 General Session

4-22-103 Utah Dairy Commission created.

(1) There is created an independent state agency known as the Utah Dairy Commission.
(2) Subject to Subsection (5), the Utah Dairy Commission consists of 11 members as follows:
  (a) nine voting members as follows:
    (i) two from District 1, which consists of Cache and Rich Counties;
    (ii) four members from District 2, which consists of Box Elder, Weber, Morgan, Salt Lake, Davis, Utah, Tooele, Wasatch, Summit, Duchesne, Uintah, and Daggett Counties; and
    (iii) three members from District 3, which consists of Millard, Beaver, Iron, Washington, Sanpete, Carbon, Emery, Grand, Juab, San Juan, Piute, Wayne, Kane, Garfield, and Sevier Counties; and
  (b) two nonvoting members as follows:
    (i) the commissioner or the commissioner's designee; and
    (ii) the dean of the College of Agriculture at Utah State University, or the dean's designee.

(3) The voting members listed in Subsection (2)(a) shall be elected to four-year terms of office as provided in Section 4-22-105.
(4) A voting member shall enter office on July 1 of the year in which the member is elected. The commission shall stagger the voting members' terms so that no more than three voting members' terms expire in a given year.
(5)
(a) To maintain equitable representation of active milk producers on the commission, the commission may, by a two-thirds vote:
(i) alter the boundaries comprising the districts established in Subsection (2)(a); or
(ii) increase or decrease the number of voting members in each district without altering the total number of commission members.
(b) If the commission increases the number of voting members in a district under this Subsection (5), a new member will be elected as provided in Section 4-22-105.
(c) If the commission decreases the number of voting members in a district under this Subsection (5), each member representing the district will continue in office through the end of the member's term and the member whose term expires first will not be replaced or reelected upon expiration of the member's term.
(d) If the commission acts under this Subsection (5), it shall report the changes to the Natural Resources, Agriculture, and Environment Interim Committee.
(6) A member shall be:
(a) a citizen of the United States;
(b) 21 years old or older;
(c) an active milk producer with five consecutive years of experience in milk production within this state immediately preceding election; and
(d) a resident of Utah and the district represented.

Amended by Chapter 295, 2021 General Session

4-22-104 Commission -- Organization -- Quorum to transact business -- Vacancies -- Ineligibility to serve -- Compensation.
(1) The members of the commission shall elect a chair, vice chair, and secretary from the commission.
(2) Attendance of a simple majority of the commission members at a called meeting shall constitute a quorum for the transaction of official business.
(3) The commission shall meet:
(a) at the time and place designated by the chair; and
(b) no less often than once every three months.
(4) Vacancies that occur on the commission for any reason shall be filled for the unexpired term of the vacated member by appointment of a majority of the remaining members.
(5) If a member moves from the district that the member represents or ceases to act as a producer during the member's term of office, the member shall resign from the commission within 30 days after moving from the district or ceasing production.
(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.

Renumbered and Amended by Chapter 345, 2017 General Session

4-22-105 Commission to conduct elections -- Nomination of candidates -- Expenses of election paid by commission.

(1)
(a) The commissioner shall administer all commission elections.
(b) The commissioner shall mail a ballot to each producer within the district in which an election is to be held by May 15 of each election year.
(c) The candidate who receives the highest number of votes cast in the candidate's district shall be elected.
(d) The commissioner shall determine all questions of eligibility.
(e) A ballot shall be postmarked by May 31 of an election year.
(f)
(i) All ballots received by the commissioner shall be counted and tallied by June 15.
(ii) A member of the commission whose name appears on a ballot may not participate in counting or tallying the ballots.

(2) Candidates for election to the commission shall be nominated, not later than April 15, by a petition signed by two or more producers who are residents of the district in which the election is to be held.

(3) The names of all nominees shall be submitted to the commissioner on or before May 1 of each election year.

(4) All election expenses incurred by the commissioner shall be paid by the commission.

Renumbered and Amended by Chapter 345, 2017 General Session

4-22-106 Commission powers, duties, and functions.

The commission has and shall exercise the following functions, powers, and duties:

(1) to use one of the following means to administer the policies adopted, and perform the duties assigned, by the commission:
(a) employ and fix the compensation of one or more individuals who are not members of the commission; or
(b) retain and fix the compensation of an entity, including an entity engaged in activities similar to the commission;

(2) to conduct a campaign of research, nutritional education, and publicity, showing the value of milk, cream, and dairy products;

(3) to encourage local, national, and international use of Utah dairy products and by-products, through marketing or otherwise;

(4) to investigate and participate in studies of problems peculiar to producers in Utah and to take the actions consistent with this chapter in an effort to promote, protect, and stabilize the state dairy industry;

(5) to sue and be sued, prosecute actions in the name of the state for the collection of the assessment imposed by Section 4-22-201, enter into contracts, and incur indebtedness in furtherance of the commission's business activities;

(6) to cooperate with any local, state, or national organization engaged in activities similar to those of the commission;

(7) to accept grants, donations, or gifts for use consistent with this chapter; and

(8) to do other things necessary for the efficient and effective management and operation of the commission's business.

Amended by Chapter 6, 2020 General Session

4-22-107 Exemption from certain operational requirements.

(1) The commission is exempt from:
  (a) Title 51, Chapter 5, Funds Consolidation Act;
  (b) Title 51, Chapter 7, State Money Management Act;
  (c) Title 63A, Utah Government Operations Code;
  (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt procedures to ensure that the commission makes purchases:
    (i) in a manner that provides for fair competition between providers; and
    (ii) at competitive prices;
  (e) Title 63J, Chapter 1, Budgetary Procedures Act; and
  (f) Title 63A, Chapter 17, Utah State Personnel Management Act.

(2) The commission is subject to:
  (a) Title 52, Chapter 4, Open and Public Meetings Act;
  (b) Section 67-3-12; and
  (c) Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session

4-22-108 Commission may require crime insurance -- Payment of premium.

(1) The commission may require the administrator or a commission employee to obtain crime insurance in relation to the administrator's or employee's duties.

(2) The commission shall set the amount of crime insurance required and pay the premium.

Amended by Chapter 76, 2025 General Session

Part 2
Assessment

4-22-201 Assessment imposed on sale of milk or cream produced, sold, or contracted for sale in state -- Time of assessment -- Collection by dealer or producer-handler -- Penalty for delinquent payment or collection -- Statement to be given to producer.

(1) An assessment of 10 cents is imposed upon each 100 pounds of milk or cream produced and sold, or contracted for sale, through commercial channels in this state.

(2) The assessment shall be:
  (a) based upon daily or monthly settlements; and
  (b) due at a time set by the commission, which may not be later than the last day of the month next succeeding the month of sale.

(3)
  (a) The assessment shall be:
    (i) assessed against the producer at the time the milk or milk fat is delivered for sale;
    (ii) deducted from the sales price; and
    (iii) collected by the dealer or producer-handler.

(b) The proceeds of the assessment shall be paid directly to the commission who shall issue a receipt to the dealer or producer-handler.
(c) If a dealer or producer-handler fails to remit the proceeds of the assessment or deduct the assessment on time:
(i) a penalty equal to 10% of the amount due is to be added to the assessment; and
(ii) the commission may bring an action against the dealer or producer-handler for:
(A) injunctive relief compelling payment of the assessment and penalty;
(B) damages, including interest at the statutory prejudgment rate from the date the payment was due;
(C) costs of collection, including reasonable attorney fees, whether incurred in litigation or otherwise; and
(D) other relief to which the commission may be entitled at law or in equity.
(4)
(a) At the time of payment of the assessment, the dealer or producer-handler shall deliver a statement to the producer calculating the assessment.
(b) The commission may require other relevant information to be included in the statement.
(5) If the mandatory assessment required by the Dairy and Tobacco Adjustment Act of 1983, Pub. L. No. 98-180, 97 Stat. 1128 (1150.152), is abolished, a producer who objects to payment of the assessment imposed under this section may, by January 31, submit a written request to the commission for a refund of the amount of the assessment the producer paid during the previous year.

Amended by Chapter 6, 2020 General Session

4-22-202 Revenue from assessment used to promote dairy industry -- Deposit of money -- Annual audit of books, records, and accounts -- Annual financial report to producers.
(1) The revenue derived from the assessment imposed by Section 4-22-201 shall be used exclusively for the:
(a) administration of this chapter; and
(b) promotion of the state's dairy industry.
(2) The commission may deposit the proceeds of the assessment in one or more accounts in one or more banks approved by the state as depositories.
(3)
(a) The commission shall keep a voucher, receipt, or other written record for each withdrawal from the commission accounts.
(b) Money may not be withdrawn from the commission accounts except:
(i) upon order of the commission; or
(ii) pursuant to a procedure adopted by the commission if the withdrawal is subsequently ratified by the commission.
(4) The books, records, and accounts of the commission's activities are public records.
(5)
(a) The accounts of the commission shall be audited once annually by a licensed accountant selected by the commission and approved by the state auditor.
(b) The results of the audit shall be submitted to the:
(i) commissioner;
(ii) commission; and
(iii) Division of Finance.
(c) The commission shall send annually a financial report to each producer.

Amended by Chapter 6, 2020 General Session

4-22-203 Additional assessment for government liaison and industry relations programs -- Exemption from the assessment.

(1) In addition to the assessment provided in Section 4-22-201, an assessment of three-fourths of one cent is imposed upon each 100 pounds of milk or cream produced and sold, or contracted for sale, through commercial channels in this state for the purposes specified in Subsection (3).

(2) The three-fourths of one cent assessment shall be paid in the same manner as the assessment required by Section 4-22-201.

(3) The commission shall use the revenue derived from the three-fourths of one cent assessment imposed by this section to contract out for services and expenses of government liaison and industry relations programs created to stabilize and protect the state's dairy industry and the health and welfare of the public.

(4) A producer who objects to payment of the assessment imposed by this section may, by January 31, submit a written request to the commission to be exempted from payment of the assessment for that year. By January 1 each year, the commission shall send to each person subject to the assessment a postage-paid, self-addressed postcard which may be returned to request an exemption.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Liability and Enforcement

4-22-301 State disclaimer of liability.

The state is not liable for the acts or omissions of the commission, commission officers, agents, or employees.

Renumbered and Amended by Chapter 345, 2017 General Session

4-22-302 Commission not eligible for coverage under Risk Management Fund.

The commission is not eligible to receive coverage under the Risk Management Fund created under Section 63A-4-201.

Renumbered and Amended by Chapter 345, 2017 General Session

4-22-303 Enforcement -- Inspection of books and records of dealer or producer-handler.

The commission at reasonable times may enter upon the premises and inspect the records of any dealer or producer-handler for the purpose of enforcing this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 23

Agricultural and Wildlife Damage Prevention Act

4-23-101 Title.

This chapter is known as the "Agricultural and Wildlife Damage Prevention Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-102 Purpose declaration.

The Legislature finds and declares that it is important to the economy of the state to maintain agricultural production at the highest possible level and at the same time, to promote, to protect, and preserve the wildlife resources of the state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-103 Definitions.

As used in this chapter:

(1) "Agricultural crops" means any product of cultivation;
(2) "Board" means the Agricultural and Wildlife Damage Prevention Board;
(3) "Bounty" means the monetary compensation paid to persons for the harvest of predatory or depredating animals;
(4) "Damage" means any injury or loss to livestock, poultry, agricultural crops, or wildlife inflicted by predatory or depredating animals or depredating birds;
(5) "Depredating animal" means a field mouse, gopher, ground squirrel, jack rabbit, raccoon, or prairie dog;
(6) "Depredating bird" means a Brewer's blackbird or starling;
(7) "Livestock" means cattle, horses, mules, sheep, goats, and swine;
(8) "Predatory animal" means any coyote; and
(9) "Wildlife" means any form of animal life generally living in a state of nature, except a predatory animal or a depredating animal or bird.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-104 Agricultural and Wildlife Damage Prevention Board created -- Composition -- Appointment -- Terms -- Vacancies -- Compensation.

(1) There is created an Agricultural and Wildlife Damage Prevention Board composed of the commissioner and the director of the Division of Wildlife Resources who shall serve, respectively, as the board's chair and vice chair together with seven other members appointed by the governor to four-year terms of office as follows:
  (a) one sheep producer representing wool growers of the state;
  (b) one cattle producer representing range cattle producers of the state;
  (c) one person from an organization representing the agricultural interests of the state;
  (d) one agricultural landowner representing agricultural landowners of the state;
  (e) one person representing the wildlife interests of the state;
  (f) one person from the United States Forest Service; and
  (g) one person from the United States Bureau of Land Management.
(2) Appointees' term of office shall commence June 1.
(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) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(5)
(a) Attendance of five members at a duly called meeting shall constitute a quorum for the transaction of official business.
(b) The board shall convene at the times and places prescribed by the chair or vice chair.
(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.

Amended by Chapter 59, 2024 General Session

4-23-105 Board responsibilities -- Damage prevention policy -- Rules -- Methods to control predators and depredating birds and animals.

(1) The board is responsible for the formulation of the agricultural and wildlife damage prevention policy of the state and may, consistent with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to implement the agricultural and wildlife damage prevention policy which shall be administered by the department.
(2) In the board's policy deliberations the board shall:
(a) specify programs designed to prevent damage to livestock, poultry, and agricultural crops; and
(b) specify methods for the prevention of damage and for the selective control of predators and depredating birds and animals including hunting, trapping, chemical toxicants, and the use of aircraft.
(3) The board may also:
(a) specify bounties on designated predatory animals and recommend procedures for the payment of bounty claims, recommend bounty districts, recommend persons not authorized to receive bounty, and recommend to the department other actions the board considers advisable for the enforcement of the board's policies; and
(b) cooperate with federal, state, and local governments, educational institutions, and private persons or organizations, through agreement or otherwise, to effectuate the board's policies.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-106 Department to issue licenses and permits -- Department to issue aircraft use permits -- Aerial hunting.

(1) The department is responsible for the issuance of permits and licenses for the purposes of the federal Fish and Wildlife Act of 1956.
(2) A private person may not use an aircraft for the prevention of damage without first obtaining a use permit from the department.

(3) The department may issue an annual permit for aerial hunting to a private person for the protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, if the person shows that the person or the person's designated pilot, along with the aircraft to be used in the aerial hunting, are licensed and qualified in accordance with the requirements of the department set by rule.
(4) The department may predicate the issuance or retention of a permit for aerial hunting upon the permittee's full and prompt disclosure of information as the department may request for submission pursuant to rules made by the department.
(5) The department shall collect an annual fee, set in accordance with Section 63J-1-504, from a person who has an aircraft for which a permit is issued or renewed under this section.
(6) Aerial hunting activity under a permit issued by the department is restricted to:
(a)
(i) private lands that are owned or managed by the permittee;
(ii) state grazing allotments where the permittee is permitted by the state or the State Institutional Trust Lands Administration to graze livestock; or
(iii) federal grazing allotments where the permittee is permitted by the United States Bureau of Land Management or United States Forest Service to graze livestock; and
(b) only during the time period for which the private land owner has provided written permission for the aerial hunting.
(7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to carry out the purpose of this section.
(8) The issuance of an aerial hunting permit or license under this section does not authorize the holder to use aircraft to hunt, pursue, shoot, wound, kill, trap, capture, or collect protected wildlife, as defined in Section 23A-1-101, unless also authorized by the Division of Wildlife Resources under Section 23A-5-315.

Amended by Chapter 34, 2023 General Session

4-23-107 Annual fees on sheep, goats, cattle, and turkeys -- Determination by board -- Collection methods.

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

at least $.70 but not

more than $1 per head
Cattle (except on farm dairy cattle).....

at least $.15 but not

more than $.50 per head
Turkeys (breeding stock only).....

at least $.05 but not

more than $.10 per head
(2) The amount of the fees imposed upon each category of animals specified in this section shall be determined by the board annually on or before July 1 of each year.
(3)
(a) Fee brand inspected cattle are subject to a predator control fee upon change of ownership or slaughter.
(b) The fee shall be collected by the local brand inspector at the time of the inspection of cattle, or withheld and paid by the market from proceeds derived from the sale of the cattle.
(c) Cattle that are fee brand inspected prior to confinement to a feedlot are not subject to any subsequent predator control fee.
(4)
(a) Fleece of sheared sheep is subject to a predator control fee upon sale of the fleece.
(b)
(i) The fee shall be withheld and paid by the marketing agency or purchaser of wool from proceeds derived from the sale of the fleece.
(ii) The department shall enter into cooperative agreements with in-state and out-of-state wool warehouses and wool processing facilities for the collection of predator control fees on the fleece of sheep that graze on private or public range in the state.
(c) The fee shall be based on the number of pounds of wool divided by 10 pounds for white face sheep and five pounds for black face sheep.
(5) Predator control fees on turkey breeding stock shall be paid by the turkey cooperative.
(6)
(a) Livestock owners shall pay a predator control fee on any livestock that uses public or private range in the state that is not otherwise subject to the fee under Subsection (3) or (4).
(b) By September 1, the commissioner shall mail to each owner of livestock specified in Subsection (6)(a) a reporting form requiring sufficient information on the type and number of livestock grazed in the state and indicating the fee imposed for each category of livestock.
(c) An owner shall file the completed form and the appropriate fee with the commissioner before December 31.
(d) If any person who receives the reporting form fails to return the completed form and the imposed fee as required, the commissioner is authorized to commence suit through the office of the attorney general, in a court with jurisdiction, to collect the imposed fee, the amount of which shall be as determined by the commissioner.
(7) A fee collected under this section shall be remitted to the department and deposited in the Agricultural and Wildlife Damage Prevention Account.

Amended by Chapter 91, 2025 General Session

4-23-108 Agricultural and Wildlife Damage Prevention Account.
(1) There is created in the General Fund a restricted account known as the Agricultural and Wildlife Damage Prevention Account.
(2) Money received under Section 4-23-107 shall be deposited by the commissioner into the Agricultural and Wildlife Damage Prevention Account to be appropriated for the purposes provided in this chapter.

(3) Any supplemental contributions received by the department from livestock owners for predator control programs shall be deposited into the Agricultural and Wildlife Damage Prevention Account.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-109 Proceeds of sheep fee -- Refund of sheep fees -- Annual audit of books, records, and accounts.

(1)
(a) Subject to the other provisions of this Subsection (1), the commissioner may spend an amount each year from the proceeds collected from the fee imposed on sheep for the promotion, advancement, and protection of the sheep interests of the state.
(b) The amount described in Subsection (1)(a) shall be the equivalent to an amount that:
(i) equals or exceeds 18 cents per head; and
(ii) equals or is less than 25 cents per head.
(c) The commissioner shall set the amount described in Subsection (1)(a):
(i) on or before January 1 of each year; and
(ii) in consultation with one or more statewide organizations that represent persons who grow wool.
(d) A sheep fee is refundable in an amount equal to that part of the fee used to promote, advance, or protect sheep interests.
(e) A refund claim shall be filed with the department on or before January 1 of the year immediately succeeding the year for which the fee was paid.
(f) A refund claim shall be certified by the department to the state treasurer for payment from the Agricultural and Wildlife Damage Prevention Account created in Section 4-23-108.
(2) Any expense incurred by the department in administering refunds shall be paid from funds allocated for the promotion, advancement, and protection of the sheep interests of the state.
(3)
(a) The books, records, and accounts of the Utah Woolgrowers Association, or any other organization which receives funds from the agricultural and wildlife damage prevention account, for the purpose of promoting, advancing, or protecting the sheep interests of the state, shall be audited at least once annually by a licensed accountant.
(b) The results of this audit shall be submitted to the commissioner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-110 Applicability of chapter.

This chapter, unless contrary to a federal statute, shall apply to all federal, state, and private lands.

Renumbered and Amended by Chapter 345, 2017 General Session

4-23-111 Holding a raccoon or coyote in captivity prohibited -- Penalty.

(1) No individual may hold in captivity a raccoon or coyote, except as provided by rules of the Agricultural and Wildlife Damage Prevention Board.
(2) The Division of Wildlife Resources, with the cooperation of the department and the Department of Health, shall enforce this section.
(3) Any violation of this section is an infraction.

Amended by Chapter 433, 2018 General Session

Chapter 24
Utah Livestock Brand and Anti-Theft Act

Part 1
Administration and Board

4-24-101 Title.

This chapter is known as the "Utah Livestock Brand and Anti-Theft Act."

Renumbered and Amended by Chapter 345, 2017 General Session

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) "Livestock" means cattle, calves, horses, mules, or sheep.

(6)

(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) "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) "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.

Amended by Chapter 59, 2024 General Session

4-24-103 Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce rules as necessary to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-105 Commission to appoint supervisor for brand inspection -- Appointment subject to approval -- Salary.

(1) The commissioner shall appoint a state supervisor for livestock brand inspection, subject to the approval of the Livestock Brand Board.

(2) The salary or compensation of the supervisor shall be fixed in accordance with standards adopted by the Division of Finance.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
Brand

4-24-201 Central Brand Registry -- Division of state into brand districts -- Identical or confusingly similar brands -- Publication of registered brands.

(1) The department shall maintain a central Brand Registry that lists each brand recorded in this state. For each brand registered the list shall specify:
  (a) the name and address of the registrant;
  (b) a facsimile or diagram of the brand recorded;
  (c) the location of the brand upon the animal; and
  (d) the date the brand is filed in the central Brand Registry.

(2) The commissioner may divide the state into districts for the purpose of recording brands, but a brand that is identical or confusingly similar to a brand previously recorded in a district may not be recorded.

(3)
  (a) A brand that is identical or confusingly similar to a brand previously filed in the central Brand Registry may not be recorded.
  (b) If two or more brands appear identical or confusingly similar:
    (i) the brand first recorded shall prevail over a later conflicting brand; and
    (ii) the later brand shall be cancelled and the recording fees refunded to the owner.

(4)
  (a) The commissioner shall publish from time to time a list of all brands recorded in the central Brand Registry and may issue supplements to that publication containing additional brands or changes in ownership of brands recorded after the last publication.
  (b) The commissioner may publish the publication described in Subsection (4)(a) in hard copy or electronic copy.
  (c) The publication published under Subsection (4)(a) shall contain a facsimile or diagram of all brands recorded together with the owner's name and address.
  (d) The commissioner shall, upon request, send one electronic copy of the publication published under Subsection (4)(a) and each supplement to each brand inspector, county clerk, county sheriff, livestock organization, or any other person considered appropriate.
  (e) The department shall make the publication described in Subsection (4)(a) available to the public.

(f) The department shall, upon request, make a hard copy of the publication described in Subsection (4)(a) available at the cost of printing and distribution per publication.

Amended by Chapter 59, 2024 General Session

4-24-202 Recordation of brand.

(1) A person shall submit an application for a recorded brand to the department upon forms prescribed and furnished by the department.

(a) The application shall contain the following information:

(i) the name of each applicant;

(ii) a single designated address where the department will send a notice of brand renewal; and

(iii) a description of the brand that is the subject of the application.

(b) The department may not approve an application without payment of the appropriate recording fee.

(c) Upon receipt of a proper application, payment of the recording fee, and recordation of the brand in the central Brand Registry of the department, the commissioner shall issue the applicant a certified copy of recording that entitles the applicant to the exclusive use of the brand recorded.

(2)

(a) A recorded brand filed with the central Brand Registry expires during the calendar year 1980, and during each fifth or tenth year thereafter. The applicant at the time of application shall decide whether the brand filed with the central Brand Registry expires during the fifth or the tenth year.

(b)

(i) The department shall send notice in writing to the address designated under Subsection (1)(b)(ii) within a reasonable time before the date of expiration of recordation.

(ii) The notice required by this Subsection (2)(b) may be provided by email or regular mail at the department's discretion.

(iii) The holder of a registered brand has an affirmative duty to inform the department of a change to the contact information provided on the initial application for a recorded brand.

(c) Brand renewal is affected by filing an appropriate application with the department together with payment of the renewal fee.

(d) A recorded brand, not timely renewed, shall lapse and be removed from the central Brand Registry.

Amended by Chapter 91, 2025 General Session

4-24-203 Fees for recordation, transfer, renewal, and certified copies of brands.

(1) The department, with the approval of the Livestock Brand Board, shall charge and collect fees for the recordation, transfer, and renewal of a brand in each position, and may charge a fee for a certified copy of the recordation.

(2) The fees shall be determined by the department pursuant to Subsection 4-2-103(2).

Amended by Chapter 295, 2021 General Session

4-24-204 Effect of recorded brand -- Transfer -- Reservation of certain brands.

(1) Except as provided in Subsection (2), the owner of a recorded brand has a vested property right in the brand that is transferable by a duly acknowledged instrument, provided that a

transferee has no rights in the brand until the instrument of transfer is recorded with the department.

(2) Notwithstanding any other provision of this chapter:

(a) no person other than a member of the Ute Indian Tribe has any vested property right in the brand "ID" which is reserved exclusively for use by members of the Ute Indian Tribe on the Uintah and Ouray Reservation; and

(b) no person other than a member of the Navajo Indian Tribe has any vested right in the brand "- N" (Bar N) which is reserved exclusively for use by members of the Navajo Indian Tribe on the Navajo Indian Reservation as long as it appears on the left shoulder of the animal branded.

(3) The left jaw of cattle is reserved exclusively for use by the department to identify diseased cattle.

Amended by Chapter 295, 2021 General Session

4-24-205 Livestock on open range or outside enclosure to be branded -- Cattle upon transfer of ownership to be branded -- Exceptions.

(1)

(a) Subject to Subsections (1)(b) and (c), livestock may not forage upon an open range in this state or outside an enclosure unless the livestock bears a brand recorded in accordance with this chapter.

(b) Swine, goats, and unweaned calves or colts are not required to bear a brand to forage upon open range or outside an enclosure.

(c) Domesticated elk may not forage upon open range or outside an enclosure under any circumstances as provided in Chapter 39, Domesticated Elk Act.

(2)

(a) Except as provided in Subsections (2)(b) and (2)(c), cattle, upon sale or other transfer of ownership, shall be branded with the recorded brand of the new owner within 30 days after transfer of ownership.

(b) Branding, upon change of ownership, is not required within the 30-day period for:

(i) unweaned calves;

(ii) registered or certified cattle;

(iii) youth project calves, if the number transferred is less than five; or

(iv) dairy cattle held on farms.

(c) If the animal will be harvested within 60 days after the date of the sale or other transfer of ownership, no rebrand is required.

Amended by Chapter 528, 2023 General Session

Part 3
Inspections

4-24-301 State may be divided into brand inspection districts -- Description filed with county clerk and sheriff.

(1) The commissioner, to facilitate and improve brand inspection, may divide the state into brand inspection districts.

(2) District boundaries may be changed as considered necessary by the commissioner, with the approval of the Livestock Brand Board.
(3) Brand inspection stations within brand inspection districts may be located and established by the commissioner to assist in the enforcement of this chapter.

Amended by Chapter 528, 2023 General Session

4-24-302 Certificate of brand inspection necessary to carry out change of ownership -- Exception.

(1) Except as provided in Subsection (2), the ownership of cattle, horses, domesticated elk, or mules may not be transferred to any other person, through sale or otherwise, without a certificate of brand inspection issued by a department brand inspector.
(2)
  (a) A brand inspection is not required to transfer ownership of dairy calves from the farm of origin under 60 days of age.
  (b) Any person who transports dairy calves that have not been brand inspected pursuant to Subsection (2)(a) shall be required to show a sales invoice upon request.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-303 Livestock -- Verification of ownership through brand inspection -- Issuance of certificate of brand inspection -- Brand inspector may demand evidence of ownership -- Brand inspection of livestock seized by the federal government prohibited -- Exception.

(1) A brand inspector, as an agent of the department, shall verify livestock ownership by conducting a brand inspection during daylight hours.
(2) After conducting the brand inspection, the brand inspector, if satisfied that the livestock subject to inspection bears registered brands owned by the owner of the livestock, shall issue a brand inspection certificate to the owner or owner's agent.
(3) The brand inspector shall record the number, sex, breed, and brand on each animal inspected together with the owner's name.
(4) If any livestock subject to inspection bears a brand other than that of the owner, or if no brand appears on the livestock, or if the ownership of the livestock is disputed, the brand inspector may demand evidence of ownership before issuing a brand inspection certificate or may decline to issue a brand inspection certificate until the ownership dispute is resolved.
(5) A brand inspector may not issue a brand inspection certificate for privately owned livestock seized by the federal government unless the:
  (a) brand inspector receives consent from the livestock's owner;
  (b) owner is unknown; or
  (c) brand inspector receives a copy of a court order authorizing the seizure.
(6) Breed papers alone do not constitute proof of ownership, but may be considered as a factor in determining ownership.

Amended by Chapter 295, 2021 General Session

4-24-304 Brand inspection required before slaughter -- Exceptions.

(1) Except as provided in Subsections (2) and (3), a brand inspection is required before any cattle, calves, horses, domesticated elk, or mules are slaughtered.
(2)

(a) A person may slaughter cattle, calves, horses, or mules for that person's own use without a brand inspection if the requirements of Section 4-32-106 are met.
(b) The department may authorize a custom exempt slaughter facility or a farm custom slaughter licensee to verify ownership of cattle, calves, horses, or mules before slaughter for the owner's use.
(c) A custom exempt slaughter facility or farm custom slaughter licensee authorized by the department, shall verify ownership of cattle, calves, horses, or mules before slaughter for the owner's use.
(d) If the department has reason to believe that a licensee or registrant is or has engaged in conduct that violates this chapter, the department shall issue a notice of agency action pursuant to Section 4-1-106.
(3) The department may authorize a state or department employee to verify ownership of cattle or calves at a licensed meat establishment before slaughter, if there is no change in ownership of the cattle or calves.

Amended by Chapter 311, 2020 General Session

4-24-305 Transportation by air or rail -- Brand inspection required -- Application for brand inspection -- Time and place of inspection.
(1) Except as provided in Subsection (2), a person may not offer, and a railroad or airline company may not accept, cattle, calves, horses, domesticated elk, or mules for transport until the animal has been brand inspected.
(2) Before cattle, calves, horses, domesticated elk, or mules are transported by rail or air, the shipper shall:
(a) request the department to inspect the brands of the animals being transported; and
(b) specify the time and place where the animals may be inspected.

Amended by Chapter 295, 2021 General Session

4-24-306 Movement across state line -- Brand inspection required -- Exception -- Request for brand inspection -- Time and place of inspection.
(1) Except as provided in Subsection (2), a person may not drive or transport any cattle, calves, horses, domesticated elk, or mules from any place within this state to a place outside this state until the animal has been brand inspected.
(2) Subsection (1) does not apply:
(a) if the animals described in Subsection (1) customarily forage on an open range that transgresses the Utah state line and that of an adjoining state;
(b) to rodeo stock that have received a current yearly brand inspection; or
(c) to non-resident equine traveling to Utah for 30 or fewer days.
(3) The owner or person responsible for driving or transporting the animals shall request the department to inspect the brands of the animals to be moved.
(4) The department shall conduct the inspection at the time and place determined by the department.

Amended by Chapter 59, 2024 General Session

4-24-307 Transportation of sheep, cattle, horses, domesticated elk, or mules -- Brand certificate or other evidence of ownership required -- Moving domesticated elk intrastate -- Transit permit -- Contents.

(1) Except as described in Subsection (2) and Section 4-39-305, a person may not transport any sheep, cattle, horses, domesticated elk, or mules without having an official state brand certificate or other proof of ownership in the person's possession.

(2) A person may transport domesticated elk without an official state brand certificate or other proof of ownership if the person:

(a) only moves domesticated elk accompanied by an intrastate transfer form provided by the department;

(b) reports the move to the department within five days;

(c) only moves domesticated elk from a licensed facility to another licensed facility owned by the same person; and

(d) only moves domesticated elk intrastate.

(3) An official state brand inspection certificate shall accompany all domesticated elk sold or slaughtered.

(4) Each person transporting livestock for another person shall have a transit permit signed by the owner or the owner's authorized agent specifying the:

(a) name of the person driving the vehicle;

(b) date of transportation;

(c) place of origin or loading;

(d) destination;

(e) date of issuance;

(f) number of animals being transported; and

(g) full description of an animal being transported.

Amended by Chapter 355, 2018 General Session

4-24-308 Brand inspection fees.

(1) The department with the approval of the Livestock Brand Board may set and collect a fee for the:

(a) issuance of any certificate of brand inspection, including a yearly brand inspection of rodeo stock;

(b) verification of ownership at a custom exempt slaughter facility before slaughter for the owner's use;

(c) verification of ownership by a farm custom slaughter licensee before slaughter for the owner's use; or

(d) verification of ownership by a state or department employee at a meat establishment where there is no transfer of ownership.

(2) Brand inspection fees incurred for the inspection of such animals at a livestock market may be withheld by the market and paid from the proceeds derived from their sale.

(3) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).

Amended by Chapter 79, 2022 General Session
Amended by Chapter 311, 2020 General Session

4-24-309 Livestock emergency.

(1) As used in this section, "livestock emergency" means:

(a) the presence of a contagious, infectious, or transmissible disease risk to livestock; or
(b) a natural disaster which may affect livestock.
(2) During a livestock emergency, the department may require a person transporting livestock to present the livestock for brand inspection.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 4
Sale, Transfer, and Travel

4-24-401 Hides and pelts -- Bill of sale to accompany purchase -- Purchaser to maintain records -- Hides and records examination and inspection.
(1)
(a) A person who buys a hide or pelt shall secure a bill of sale from the seller.
(b) The bill of sale shall be executed in duplicate with one copy being retained by the seller and the other by the buyer.
(c) The bill of sale shall specify the number of hides or pelts sold and the brand borne by each hide or pelt.
(2)
(a) A hide buyer within this state shall maintain a record specifying the name and address of the seller, date of purchase, and the brands or other identification found on the hides and pelts purchased.
(b) The hides and records of any hide buyer are subject to examination and inspection by the department at reasonable times and places.

Amended by Chapter 295, 2021 General Session

4-24-402 Livestock markets -- Records to be maintained -- Retention of records -- Schedule of fees and charges to be posted.
(1) An owner or operator of a livestock market shall keep a record of:
(a) the date a consignment of livestock is received for sale together with the number of each type of livestock within the consignment;
(b) the name and address of the buyer;
(c) the date of sale and the number and species of livestock purchased by the buyer; and
(d) the description and brand appearing on each animal at the time of sale to the buyer.
(2) An owner or operator of a livestock market shall retain the records mandated by this section for a period of two years from the date on which the livestock market sold the livestock.
(3) A schedule of the fees and commission rates charged by the livestock market shall be posted in a conspicuous place on the premises of each market.
(4) A statement of the gross sales price, commission, and other fees charged for the sale of a consignment shall be available for inspection by the department, and a copy furnished the owner or consignor of the livestock.

Amended by Chapter 295, 2021 General Session

4-24-403 Websites promoting the sale of livestock.

(1) A website, created and maintained within the state, that markets the sale of livestock shall have the following statement clearly visible on each web page that displays advertised livestock: "Legality of Sales and Purchase, Health Laws. If you sell or purchase livestock on this site, you shall comply with all applicable legal requirements governing the transfer and shipment of livestock, including Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, and Title 4, Chapter 31, Control of Animal Disease. Please contact the Utah Department of Agriculture and Food at 801-982-2200 with any questions.".
(2) A person who violates this section is subject to the penalties described in Section 4-24-506.

Amended by Chapter 295, 2021 General Session

4-24-404 Livestock sold at market to be brand inspected -- Proceeds of sale may be withheld -- Distribution of withheld proceeds -- Effect of receipt of proceeds by department -- Deposit of proceeds -- Use of proceeds if ownership not established.

(1)
  (a) Livestock may not be sold at any livestock market until after they have been brand inspected by the department.
  (b) The livestock market shall furnish to the buyer title to purchased livestock.
(2)
  (a) Upon notice from the department that a question exists concerning the ownership of consigned livestock, the operator of the livestock market or meat packing plant shall withhold the proceeds from the sale of the livestock for 60 days to allow the consignor of the questioned livestock to establish ownership.
  (b) If the owner or consignor fails within 60 days to establish ownership to the satisfaction of the department, the proceeds of the sale shall be transmitted to the department.
  (c) Receipt of the proceeds by the department shall relieve the livestock market or meat packing plant from further responsibility for the proceeds.
(3)
  (a) Proceeds withheld under Subsection (2) shall be deposited into the Utah Livestock Brand and Anti-Theft Account created in Section 4-24-501.
  (b) If ownership is not satisfactorily established within one year, the department shall use the proceeds for animal identification.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-405 Travel permit in lieu of brand inspection certificate -- Fees.

(1) The department may issue a permit upon the payment of a fee determined by the department pursuant to Subsection 4-2-103(2), in lieu of a certificate of brand inspection, for the transport of a show horse, show mule, or show cattle transported from a place within this state to a place outside the state.
(2) The words "travel permit" shall be stamped or printed on the permit.
(3) A permit:
  (a) shall accompany a show animal while the show animal is in transit and shall identify the show animal to which the permit applies by age, sex, color, brand, and scars; and
  (b) is valid for the calendar year of the date of issuance, which date shall appear on the permit.

Amended by Chapter 295, 2021 General Session

4-24-406 Lifetime permit in lieu of brand inspection certificate -- Fees -- Permit to accompany animal -- Transfer.

(1) The department may issue a "lifetime" permit upon the payment of a fee determined by the department pursuant to Subsection 4-2-103(2), in lieu of a certificate of brand inspection, for the transport of any horse or mule within or outside the state.
(2) The words "lifetime travel permit" shall be stamped or printed on the permit. The permit shall accompany each horse or mule while it is in transit and shall identify the animal to which it applies by age, sex, color, brand, and scars.
(3) A lifetime transportation permit is valid for as long as the horse or mule to which it applies continues to be owned by the person to whom the permit is issued.
(4) A lifetime permit is transferable to a person within this state upon the transfer of ownership of such an animal, upon application for transfer and the payment of a permit transfer fee to the department in an amount determined by the department pursuant to Subsection 4-2-103(2).

Renumbered and Amended by Chapter 345, 2017 General Session

Part 5
Unlawful Acts and Penalties

4-24-501 Utah Livestock Brand and Anti-Theft Account created -- Deposit of fees -- Purpose of expenditures.

(1) There is created within the General Fund a restricted account known as the Utah Livestock Brand and Anti-Theft Account.
(2) The following money shall be deposited into the Utah Livestock Brand and Anti-Theft Account:
  (a) money received by the department under any provision of this chapter; and
  (b) money received by the department under any provision of Title 4, Chapter 39, Domesticated Elk Act.
(3) Money in the Utah Livestock Brand and Anti-Theft Account shall be used for the administration of this chapter and of Title 4, Chapter 39, Domesticated Elk Act.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-502 Unlawful acts specified -- Allegation concerning evidence of ownership relative to hides.

(1) It is unlawful for a person to:
  (a) permit cattle, calves, horses, mules, or sheep, except unweaned calves or colts, that are not branded in accordance with this chapter, to forage upon an open range in this state or outside an enclosure;
  (b) brand livestock with a brand that is not a matter of record on the central Brand Registry;
  (c) obliterate, change, or remove a recorded brand;
  (d) destroy, mutilate, or conceal a hide with intent to, or for the purpose of, removing evidence of ownership of the hide, or ownership of the animal from which the hide was removed;
  (e) hold or ship an estray or livestock owned by another without notifying the owner, a brand inspector, or law enforcement; or
  (f) offer for sale an estray or the livestock owned by another.
(2) In a prosecution for violation of this section:

(a) the state does not need to allege the ownership of the hide or the animal or carcass from which the hide was removed; and
(b) the complaint or information is sufficient if the complaint or information alleges that ownership is unknown and that the hide is not the property of the defendant.

Amended by Chapter 295, 2021 General Session

4-24-503 Use of vehicle to transport stolen livestock prohibited -- Vehicle subject to seizure and sale -- Procedure for sale -- Defense.

(1)
(a) No person shall use any vehicle for the transportation of stolen livestock or carcasses.
(b) A vehicle used in transporting stolen livestock or carcasses is subject to seizure and public sale by the sheriff of the county where the vehicle is found, after written notice of the proposed sale is served upon the person in whose custody the vehicle is found.

(2) A person who receives the notice described in Subsection (1)(b) has 10 days after service of the notice of proposed sale to respond to the notice, in which event no sale shall be conducted until after the issue of ownership or any other issues are litigated in a court of competent jurisdiction.

(3) A stolen vehicle used for unlawful transportation is not subject to seizure and sale if the owner of the vehicle is not acting in concert with the thief.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-504 Enforcement -- Brand inspector's powers delineated.

(1) 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, stop a vehicle carrying livestock or livestock carcasses for the purpose of examining brands, certificates of brand inspection, and bills of lading or bills of sale relating to the livestock in transit.

(2)
(a) A brand inspector may enter premises where livestock are kept or maintained for the purpose of examining brands.
(b) If admittance is refused, the department may proceed immediately to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of examining brands or other evidence of ownership.

Amended by Chapter 295, 2021 General Session

4-24-505 Commissioner authorized to cooperate with local governments, other states, or federal government in enforcement.

The commissioner is empowered with authority, if necessary, to cooperate or enter into cooperative agreements with authorities in any city, town, or county within the state, or with federal authorities, or with authorities in another state for the purpose of securing assistance in the administration and enforcement of this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-24-506 Penalties.

A person who violates a provision of this chapter:

(1) is guilty of a class B misdemeanor; and
(2) may be subject to administrative fines, payable to the department, of up to $1,000 per violation.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 25
Estrays

Part 1
Organization

4-25-101 Title.
This chapter is known as "Estrays."

Enacted by Chapter 345, 2017 General Session

4-25-102 Definitions.
For the purpose of this chapter:
(1)
(a) "Estray" means:
(i) an unbranded sheep, cow, horse, mule, or ass found running at large;
(ii) a branded sheep, cow, horse, mule, or ass found running at large whose owner cannot be found after reasonable search; or
(iii) a swine found running at large whose owner cannot be found after reasonable search.
(b) "Estray" does not mean any unweaned animal specified in this section that is running with its mother.
(2) "Feral swine" means any species, or hybrid species:
(a) of the family Suidae, including the European boar, the Eurasian boar, the Russian boar, a feral hog, or a domestic pig;
(b) that is not conspicuously identified by an ear tag or other form of visual identification; and
(c) that is roaming freely upon public land or private land.
(3) "Swine" means any domesticated species of the family Suidae that is conspicuously identified by an ear tag or other form of visible identification.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-103 County responsibility for estrays -- Contracts with other local governments authorized.
(1) Each county is responsible for the disposition of all estrays found within the county's boundaries.
(2) Each county in the discharge of the county's responsibility, however, may contract upon mutually agreeable terms with any city, town, or other county with an animal control office to perform any or all of the functions imposed by this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-104 Department authorized to make and enforce rules.

The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules as in the department's judgment are necessary to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
Management of Estrays

4-25-201 Possession of estrays -- Determination and location of owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.

(1)
(a) Except as provided in Section 4-25-202, a county shall:
(i) take physical possession of an estray the county finds within county boundaries;
(ii) attempt to determine the name and location of the estray's owner; and
(iii) contact the local brand inspector.
(b) The department shall assist a county that requests its help in determining the name and location of the owner or other person responsible for the estray.
(c)
(i) Notwithstanding the requirements of Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act, if the county cannot determine the estray's owner, or, if having determined ownership, neither the county nor the department is able to locate the owner within a reasonable period of time, the estray shall be sold at a livestock or other appropriate market.
(ii) The proceeds of a sale under Subsection (1)(c)(i), less the costs described in Subsection (1)(c)(iii), shall be paid to the county selling the estray.
(iii) The livestock or other market conducting the sale under Subsection (1)(c)(i) may deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.
(2) A county shall publish notice of the sale of an estray within the county where the estray was taken into custody, as a class A notice under Section 63G-30-102, for at least 10 days before the date of the sale.
(3) A purchaser of an estray sold under this section shall receive title to the estray free and clear of all claims of the estray's owner and a person claiming title through the owner.
(4) A county that complies with the provisions of this section is immune from liability for the sale of an estray sold at a livestock or other appropriate market.
(5) Notwithstanding the requirements of Subsection (1)(c), a county may employ a licensed veterinarian to euthanize an estray if the licensed veterinarian determines that the estray's physical condition prevents the estray from being sold.

Amended by Chapter 435, 2023 General Session

4-25-202 Report of estrays -- Possession -- Relief from liability.

(1) As used in this section, "division" means the Division of Wildlife Resources.

(2) A person, other than an official of the county or of an animal control office under contract with the county, who finds an estray shall report the estray to the county or animal control office immediately.
(3) Upon receipt of notification under Subsection (2), the county or the animal control office shall:
(a) take possession of the estray; or
(b) if appropriate, authorize the person in possession of the estray to maintain and care for the estray pending determination and location of the estray's owner.
(4) A person who gives notice of an estray and delivers the estray to the county or animal control office is not liable to third parties on account of the estray to the extent of the value of the animal.
(5)
(a) If an employee of the department or the division, acting in the employee's official capacity, finds an estray, the employee shall:
(i) comply with the requirements of Subsection (2); and
(ii) make a reasonable attempt to contact the estray's owner.
(b) The county or animal control office receiving a report of an estray from an employee of the department or the division shall:
(i) take possession of the estray; or
(ii) authorize the department or the division in writing or through electronic means to take possession of the estray.
(c) If the county or animal control office does not comply with Subsection (5)(b) within 72 hours from the time the division reports an estray, the division may take possession of the estray.
(d) If the division takes possession of the estray, the division shall:
(i) make a reasonable attempt to return the estray to the estray's owner; or
(ii) if unable to return the estray to the estray's owner, deliver the estray to the county or animal control office.
(e) If the division is unable to take possession of the estray after a reasonable attempt, the division may cause the death of the estray if the division determines that the estray presents a material threat to wildlife by:
(i) predation;
(ii) pathogen transmission; or
(iii) genetic introgression.
(f) If the division causes the death of an estray under Subsection (5)(e), the division shall:
(i) compensate the owner of the estray at full market value of the estray; or
(ii) if the owner of the estray cannot be determined, deposit an amount equal to the full market value of the estray into the Agricultural and Wildlife Damage Prevention Account created in Section 4-23-108.
(6) Notwithstanding the requirements of Subsection (5), the division may immediately take possession of an estray or cause an estray to move away from wildlife if the estray presents an imminent material threat to wildlife by:
(a) predation;
(b) pathogen transmission; or
(c) genetic introgression.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-203 Compensation for care of estrays -- Liability of county -- Notice required.

(1) A person who finds an estray and who, after giving notice is authorized by the county to maintain and care for the estray, is entitled to compensation from the owner, or from the county, as the case may be, for the reasonable costs of feeding and maintaining the estray; provided, that the county is liable for such cost only if the owner is not located after diligent search.
(2) No person who finds an estray, however, is entitled to reimbursement for feed and maintenance or for any other cost incurred on behalf of the estray before such time as notice of the estray is given to the county or to the appropriate animal control office.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-204 County legislative body authorized to adopt fence ordinance -- Lawful fence to be specified by ordinance -- Dividing the county into divisions for different fencing regulations.
(1) A county legislative body may, by ordinance, declare and enforce a general policy within the county for the fencing of farms, subdivisions, or other private property to allow domestic animals to graze without trespassing on farms, subdivisions, or other private property.
(2) If an ordinance is adopted under Subsection (1), the county legislative body:
  (a) shall through ordinance declare and specify what constitutes a lawful fence; and
  (b) may divide the county into divisions and prescribe different fencing regulations for each division.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-205 Owner liable for trespass of animals -- Exception -- Intervention by county representative.
(1) The owner of any cattle, horse, ass, mule, sheep, goat, or swine that trespasses upon the premises of another person, except in cases where the premises are not enclosed by a lawful fence in a county or municipality that has adopted a fence ordinance, is liable in a civil action to the owner or occupant of the premises for any damage inflicted by the trespass.
(2) A county representative may intervene to remove the animal and the county is entitled to fair compensation for costs incurred. If the animal is not claimed within 10 days after written notification is sent to the animal's owner, a county representative may sell the animal to cover costs incurred.
(3) Notwithstanding Subsections (1) and (2), the owner of any cattle, horse, ass, mule, sheep, goat, or swine that trespasses upon the premises of another person is not liable in a civil action to the owner or occupant of the premises for damage inflicted by the trespass if:
  (a) the animal enters the premises from an historic livestock trail, as defined in Section 57-13b-102; and
  (b) the premises that was trespassed is not enclosed by an adequate fence at the time the trespass occurs.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-206 Animals running at large -- Prohibition -- Limited exception.
(1) Except as provided in Subsection (2), no person who owns or is in possession of a stallion, jack, or ridgeling over 18 months old, or a ram over three months old, shall permit the animal to run at large within the limits of, or on the summer range of, any town or settlement.
(2) Two-thirds of the voters of any county or isolated part of a county may elect through an election to make this section ineffective in all or part of the county during part of the year.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 3
Swine

4-25-301 Allowing swine to run at large -- Class B misdemeanor.
(1) A person is guilty of a class B misdemeanor if the person:
  (a) is in control of a swine; and
  (b) allows the swine to run at large.
(2) A person described in Subsection (1) is liable for damage caused by the swine running at large.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-302 Release of swine or feral swine for any purpose.
A person is guilty of a third degree felony if the person releases a:
(1) swine on public or private property for hunting purposes; or
(2) feral swine on public or private property for any purpose.

Renumbered and Amended by Chapter 345, 2017 General Session

4-25-303 Feral swine detrimental to state's interests -- Seizure, capture, or destruction of feral swine.
(1) Feral swine are detrimental to the state's interests in agriculture and wildlife.
(2) Feral swine may be seized, captured, or destroyed at any time, in any place, and in any manner by:
  (a) the department and the department's authorized agents;
  (b) the Division of Wildlife Resources and the Division of Wildlife Resources' authorized agents; or
  (c) a certified peace officer.
(3)
  (a) Notwithstanding Section 76-13-202, 76-13-203, or 76-13-204, and subject to the requirements of this section, an individual may kill a feral swine roaming on private or public land.
  (b) An individual shall obtain the consent of the landowner before killing a feral swine on private land.
  (c) Feral swine may be killed:
    (i) year-round;
    (ii) in any number; and
    (iii) with a firearm, bow and arrow, or crossbow.
(4) Feral swine may not be hunted or killed under Subsection (3)(c):
  (a) with the use of artificial light or night vision equipment, except as authorized by county ordinance; or
  (b) from or with any airborne vehicle or device, except as provided in Section 4-23-106.
(5) An individual may not receive compensation, or attempt to receive compensation, from hunting feral swine.

(6) An authorized individual who kills a swine under this section is not liable to the owner for the loss of the swine, unless:
(a) the swine is conspicuously identified by an ear tag or other form of visual identification; and
(b) the individual who killed the swine knew the swine was identified by an ear tag or other form of usual identification.

Amended by Chapter 173, 2025 General Session

Part 4
Impounded Livestock

4-25-401 Impounded livestock -- Determination and location of owner -- Sale -- Disposition of proceeds -- Notice -- Title of purchaser -- Immunity from liability.

(1) As used in this section, "impounded livestock" means the following animals seized and retained in legal custody:
(a) cattle;
(b) calves;
(c) horses;
(d) mules;
(e) sheep;
(f) goats;
(g) hogs; or
(h) domesticated elk.

(2)
(a) A county may:
(i) take physical possession of impounded livestock seized and retained within its boundaries; and
(ii) attempt to determine the name and location of the impounded livestock's owner.
(b) The department shall assist a county who requests help in locating the name and location of the owner or other person responsible for the impounded livestock.
(c)
(i) Notwithstanding the requirements of Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act, if the county cannot determine ownership of the impounded livestock, or, if having determined ownership, neither the county nor the department is able to locate the owner within a reasonable period of time, the impounded livestock shall be sold at a livestock or other appropriate market.
(ii) The proceeds of a sale under Subsection (2)(c)(i), less the costs described in Subsection (2)(c)(iii), shall be paid to the State School Fund created by the Utah Constitution, Article X, Section 5, Subsection (1).
(iii) The livestock or other market conducting the sale under Subsection (2)(c)(i) may deduct the cost of feed, transportation, and other market costs from the proceeds of the sale.

(3) A county shall publish the intended sale of the impounded livestock within the county where the impounded livestock was taken into custody, as a class A notice under Section 63G-30-102, for at least 10 days before the date of the sale.

(4) A purchaser of impounded livestock sold under this section shall receive title to the impounded livestock free and clear of all claims of the livestock's owner or a person claiming title through the owner.
(5) If a county complies with the provisions of this section, the county is immune from liability for the sale of impounded livestock sold at a livestock or other appropriate market.
(6) Notwithstanding the requirements of Subsection (2)(c), a county may employ a licensed veterinarian to euthanize an impounded livestock if the licensed veterinarian determines that the impounded livestock's physical condition prevents the impounded livestock from being sold.

Amended by Chapter 435, 2023 General Session

Chapter 26
Enclosures and Fences

4-26-101 Title -- Failure to close entrance to enclosure -- Class C misdemeanor -- Damages.
(1) This chapter is known as "Enclosures and Fences."
(2) A person who willfully throws down a fence or opens bars or gates into any enclosure other than the person's own enclosure or into any enclosure jointly owned or occupied by such person and others, and leaves the enclosure open:
  (a) is guilty of a class C misdemeanor; and
  (b) is liable in damage for any injury sustained by any person as a result of such an act.

Amended by Chapter 345, 2017 General Session

4-26-102 Adjoining landowners -- Partition fences -- Contribution.
(1) If two or more persons agree to a fence enclosure or to the construction of a partition fence, the cost of construction and maintenance of the fence shall be apportioned between each party to the agreement based upon the amount of land enclosed.
(2) A person who is a party to an agreement described in Subsection (1) and who fails to maintain such person's part of the fence is liable in a civil action for any damage sustained by another party to the agreement as a result of the failure to maintain the fence.
(3)
  (a) If a person has enclosed land with a fence and the owner of adjoining land desires to enclose land adjoining the fence so that the existing fence or any part of it will become a partition fence between such tracts of land, the owner of the adjoining land shall, before making the enclosure, pay to the owner of the existing fence one-half of the value of all that part of the fence that will become a partition fence.
  (b) If a person whose land is enclosed, in whole or in part, by a partition fence ceases to improve or cultivate that person's land or opens the enclosure, the person:
    (i) shall give notice to the other owner of the partition fence and an opportunity to pay for the person's reasonable value of the fence;
    (ii) may not remove any part of the partition fence until the earlier of:
      (A) 30 days after the day on which the person gave notice to the other owner, as described in Subsection (3)(b)(i); or

(B) the day the other owner pays the person for the person's reasonable value of the fence; and

(iii) notwithstanding Subsection (3)(b)(ii), may not remove the partition fence if the crops enclosed by the fence will be exposed to injury.

Amended by Chapter 345, 2017 General Session

4-26-103 Definitions -- Qualified landowners' and qualified adjoining landowners' partition fences -- Contribution -- Civil action for damages.

(1) As used in this section:

(a) "Qualified adjoining landowner" means a private landowner whose land adjoins the land of a qualified landowner and is used for grazing livestock or as habitat for big game wildlife and:

(i) is land which qualifies under the definition of "conservation easement" as defined in Section 57-18-2, under Title 57, Chapter 18, Land Conservation Easement Act; or

(ii) is "land in agricultural use" that meets the requirements of Section 59-2-502.

(b) "Qualified landowner" means a private landowner whose land is used for grazing livestock and:

(i) is land which qualifies under the definition of "conservation easement" as defined in Section 57-18-2, under Title 57, Chapter 18, Land Conservation Easement Act; or

(ii) is "land in agricultural use" that meets the requirements of Section 59-2-502.

(2) A qualified landowner may require the qualified adjoining landowner to pay for one-half of the cost of the fence if:

(a) the fence is or becomes a partition fence separating the qualified landowner's land from that belonging to the qualified adjoining landowner;

(b) the cost is reasonable for that type of fence;

(c) that type of fence is commonly found in that particular area; and

(d) the construction of the fence is no more expensive than the cost for posts, wire, and connectors.

(3) If the qualified adjoining landowner refuses, the qualified landowner may maintain a civil action against the qualified adjoining landowner for one-half of the cost of that portion of the fence.

(4) The cost of the maintenance of the fence shall also be apportioned between each party based on the amount of land enclosed. A party who fails to maintain that party's part of the fence is also liable in a civil action for any damage sustained by the other party as a result of the failure to maintain the fence.

Renumbered and Amended by Chapter 331, 2012 General Session

4-26-104 Fencing for bison.

Perimeter fencing intended to hold bison shall meet the following minimum standards:

(1) fence sections and gates shall:

(a) reach a height of at least eight feet above ground level; and

(b) be constructed in a mesh pattern consisting of:

(i) hi-tensile steel wire of at least 14-1/2 gauge;

(ii) a maximum mesh size of six inches by six inches; or

(iii) a material with the strength equivalent of the material described in Subsections (1)(b)(i) and (ii);

(2) fence posts shall:

(a)

(i) be constructed of treated wood at least four inches in diameter; and
(ii) be constructed of a material with the strength equivalent of the material described in Subsection (2)(a)(i);
(b) reach a height of at least six feet, two inches above ground level;
(c) have at least two feet of length below ground level;
(d) be installed at intervals of no more than 20 feet; and
(e) if located on a corner or connected to a gate, be braced with wood or the strength equivalent of wood; and
(3) fence stays shall:
(a) be constructed of treated wood or steel;
(b) be installed at intervals of no more than 10 feet from any fence post; and
(c) reach a height of at least six feet, two inches above ground level.

Amended by Chapter 345, 2017 General Session

Chapter 30
Livestock Markets

4-30-101 Title.
This chapter is known as "Livestock Markets."

Enacted by Chapter 345, 2017 General Session

4-30-102 Definitions.
For the purpose of this chapter:
(1) "Consignor" or "shipper" means any person who consigns, ships, or delivers livestock to a livestock market for storage, handling, or sale.
(2)
(a) "Livestock market" means a public market place consisting of pens or other enclosures where all classes of livestock or poultry are received on consignment and kept for subsequent sale, either through public auction or private sale.
(b) "Livestock market" does not include:
(i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock breeder, or feeder who is going out of such business; or
(ii) a place where an association of livestock breeders or an individual livestock breeder offers registered livestock or breeding sires for sale and assumes all responsibility for the sale, guarantees title to the livestock or sires sold, and arranges with the department for brand inspection of all animals sold.
(3) "Person" means an individual, partnership, corporation, or association.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-104 Department authorized to make and enforce rules.
The department is authorized, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such rules necessary to administer and enforce this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-105 License required -- Application -- Fee -- Expiration -- Renewal.

(1)
(a) A person may not operate a livestock market in this state without a license issued by the department.
(b) A person shall submit an application for a license to the department upon forms prescribed and furnished by the department, and the application shall specify:
(i) if the applicant is an individual, the name, address, and age of the applicant; or
(ii) if the applicant is a partnership, corporation, or association, the name, address, and age of each person who has a financial interest in the applicant and the amount of each person's interest;
(iii) a certified statement of the financial assets and liabilities of the applicant detailing:
(A) current assets;
(B) current liabilities;
(C) long-term assets; and
(D) long-term liabilities;
(iv) a legal description of the property where the market is proposed to be located, the property's street address, and a description of the facilities proposed to be used in connection with the property;
(v) a schedule of the charges or fees the applicant proposes to charge for each service rendered; and
(vi) a detailed statement of the trade area proposed to be served by the applicant, the potential benefits which will be derived by the livestock industry, and the specific services the applicant intends to render at the livestock market.

(2)
(a) Upon receipt of a proper application, payment of a license fee in an amount determined by the department pursuant to Subsection 4-2-103(2), the commissioner, if satisfied that the convenience and necessity of the industry and the public will be served, shall issue a license allowing the applicant to operate the livestock market proposed in the application valid through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.
(b) A livestock market license is annually renewable on or before December 31 of each year upon the payment of an annual license renewal fee in an amount determined by the department pursuant to Subsection 4-2-103(2).

(3) The department may not issue a livestock market original or renewal license until the applicant has provided the department with a certified copy of a surety bond filed with the United States Department of Agriculture as required by the Packers and Stockyards Act, 1921, 7 U.S.C. Section 181 et seq.

Amended by Chapter 91, 2025 General Session

4-30-106 Hearing on license application -- Notice of hearing.

(1) Upon the filing of an application, the department may set a time for hearing on the application in the city or town nearest the proposed site of the livestock market and cause notice of the time and place of the hearing together with a copy of the application to be forwarded by mail, not less than 15 days before the hearing date, to the following:
(a) each licensed livestock market operator within the state; and

(b) each livestock or other interested association or group of persons in the state that has filed written notice with the department requesting receipt of notice of such hearings.
(2) Notice of the hearing shall be published for 14 days before the scheduled hearing date, as a class A notice under Section 63G-30-102, for the city or town where the hearing is scheduled.

Amended by Chapter 435, 2023 General Session
Amended by Chapter 528, 2023 General Session

4-30-107 Guidelines delineated for decision on application.
(1) The department, in determining whether to approve or deny the application, shall consider:
(a) the applicant's proven or potential ability to comply with the Packers and Stockyards Act, 7 U.S.C. Sec. 221 through 229b;
(b) the financial stability, business integrity, and fiduciary responsibility of the applicant;
(c) the livestock marketing benefits which potentially will be derived from the establishment and operation of the public livestock market proposed;
(d) the need for livestock market services in the trade area proposed;
(e) the adequacy of the livestock market location and facilities proposed in the application, including facilities for health inspection and testing;
(f) whether the operation of the proposed livestock market is likely to be permanent; and
(g) the economic feasibility of the proposed livestock market based on competent evidence.
(2) Any interested person may appear at the hearing on the application and give an opinion or present evidence either for or against granting the application.

Amended by Chapter 154, 2020 General Session

4-30-108 Transfer of livestock market license permitted -- Conditions.
(1) No livestock market license is transferable to another person without the prior approval of the commissioner.
(2) A change in the membership of a partnership or association, or the sale or transfer of a 25% or greater interest in the stock ownership of a corporate livestock market shall be considered a transfer of the livestock market license and is subject to the requirements of this section.
(3) Application to allow transfer of a livestock market license shall be made to the department on a form prescribed and furnished by the department.
(4) The commissioner may grant a transfer of the license:
(a) if the proposed transferee meets all the requirements specified for an original license in Section 4-30-105; and
(b) based on the criteria specified in Section 4-30-107.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-109 Financial responsibility.
Each livestock market shall maintain a financial condition of total assets in excess of total liabilities, including total current assets in excess of total current liabilities.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-110 Custodial accounts for trust funds.
(1)

(a) Each payment that a livestock buyer makes to a livestock market selling on commission is a trust fund.
(b) Funds deposited into custodial accounts are trust funds.
(2) Each livestock market engaged in selling livestock on a commission or agency basis shall establish and maintain a separate bank account designated as "custodial account for shippers' proceeds," or some similar identifying designation, to disclose that the depositor is acting as a fiduciary and that the funds in the account are trust funds.
(3)
(a) The livestock market shall deposit into its custodial account before the close of the next business day after the livestock is sold:
(i) the proceeds that have been collected from the sale of the livestock; and
(ii) an amount equal to the proceeds receivable from the sale of livestock that are due from:
(A) the livestock market;
(B) any owner, officer, or employee of the livestock market; and
(C) any buyer to whom the livestock market has extended credit.
(b) The livestock market shall thereafter deposit into the custodial account all proceeds collected until the account has been reimbursed in full and shall, before the close of the seventh day following the sale of livestock, deposit an amount equal to all the remaining proceeds receivable regardless of whether the proceeds have been collected by the livestock market.
(4) The custodial account shall be drawn on only:
(a) for payment of the net proceeds to the consignor or shipper, or to any person that the livestock market knows is entitled to payment;
(b) to pay lawful charges against the consignment of livestock which the market agency shall, in its capacity as agent, be required to pay; and
(c) to obtain any sums due the livestock market as compensation for its services.
(5)
(a) Each livestock market shall keep accounts and records that will disclose at all times the handling of funds in the custodial account.
(b) Accounts and records shall at all times disclose the name of the consignors and the amount due and payable to each from funds in the custodial account.
(6) The custodial account shall be established and maintained in a bank whose deposits are insured by the Federal Deposit Insurance Corporation.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-111 Weighman license required -- Application -- Fee -- Bond -- Expiration -- Renewal.
(1)
(a) No person may act as a weighman at a livestock market without a license from the department.
(b) Application for a weighman's license shall be made to the department upon forms prescribed and furnished by the department.
(c) Upon receipt of a proper application, payment of a license fee in an amount determined by the department pursuant to Subsection 4-2-103(2), and deposit of either a corporate surety bond or trust fund agreement with the department in the principal amount of $1,000, the commissioner shall issue a license allowing the applicant to act as a weighman through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.

(d) A weighman's license is annually renewable on or before December 31 of each year upon the payment of an annual license renewal fee in an amount determined by the department pursuant to Subsection 4-2-103(2).

(2)

(a) Each weighman's surety bond shall be written by a surety licensed under the laws of Utah and name the state, as obligee, for the use and benefit of persons who consign livestock to a livestock market.

(b) The bond shall further be conditioned for the faithful and accurate weighing of livestock consigned to a livestock market and for the payment of court costs and reasonable attorney fees to the prevailing party incident to any suit brought upon the bond.

Renumbered and Amended by Chapter 345, 2017 General Session

4-30-112 Suspension or revocation of license -- Grounds.

The department is authorized to suspend or revoke the license of any livestock market or livestock market weighman who:

(1) violates any provision of this chapter or any rule made under this chapter; or

(2) engages in any fraudulent or deceitful activity.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 31
Control of Animal Disease

4-31-101 Title.

This chapter is known as "Control of Animal Disease."

Enacted by Chapter 331, 2012 General Session

4-31-102 Dead domestic animals -- Duty of owner to bury or otherwise dispose-- Liability for costs.

(1) An owner or other person responsible for a domestic animal that dies shall bury or dispose of the animal within a reasonable period of time after the owner or other person responsible for the animal becomes aware that the animal is dead.

(2) The owner of a dead bovine, horse, mule, goat, sheep, bird, or swine may bury the dead animal on the owner's property.

(3) If the owner or other person responsible for the dead animal cannot be found, the county, city, or town within which the dead animal is found, shall, at the political subdivision's expense, bury the dead animal.

(4) A county, city, or town that incurs expense under this section is entitled to reimbursement from the owner of the dead animal.

Amended by Chapter 59, 2024 General Session

4-31-103 Dead animals -- Deposit on another's land prohibited.

A person may not deposit a dead animal upon the land of another person without the landowner's consent.

Renumbered and Amended by Chapter 331, 2012 General Session

4-31-104 Penalty.

A person who violates Section 4-31-102 or 4-31-103 is guilty of an infraction.

Amended by Chapter 303, 2016 General Session

4-31-105 Outbreak of contagious or infectious disease -- Assistance of federal authorities.

If there is an outbreak of contagious or infectious disease among domestic animals in this state that imperils livestock, the commissioner may request the assistance of the United States Department of Agriculture, Animal and Plant Health Inspection Service, in preventing the spread of the disease to other states.

Amended by Chapter 345, 2017 General Session

4-31-106 Epidemic of contagious or infectious disease -- Condemnation or destruction of infected or exposed livestock -- Destruction of other property.

(1) If there is an outbreak of contagious or infectious disease of epidemic proportion among domestic animals in this state that imperils livestock, the commissioner, with approval of the governor, may condemn, destroy, or dispose of any infected livestock or any livestock exposed to the disease or considered by the commissioner capable of transmitting the disease to other domestic animals.
(2) The commissioner may, with gubernatorial approval, condemn and destroy any barns, sheds, corrals, pens, or other property necessary to prevent the spread of contagion or infection.

Amended by Chapter 59, 2024 General Session

4-31-107 Value determination before destruction.

(1) Before any livestock or property that is not otherwise indemnified is destroyed under Section 4-31-106, the commissioner shall determine the value of the livestock or other property in consultation with the state veterinarian.
(2) The commissioner shall make the value determination described in Subsection (1) based on available data from the United States Department of Agriculture or other reliable government sources.
(3) After review, the commissioner shall forward the determined value and an appraisal described in Subsection (4), if any, to the board of examiners described in Subsection 63G-9-201(2) together with the commissioner's recommendation concerning the amount, if any, that should be reimbursed.
(4) An owner of livestock or other property subject to destruction may pay for an independent appraisal of the value of the livestock or other property, which appraisal the board of examiners shall consider in the board of examiners' recommendation described in Subsection (3).

Amended by Chapter 59, 2024 General Session

4-31-108 Euthanasia for postmortem examination.

The commissioner may order the euthanasia and postmortem examination of a diseased domestic animal if the exact nature of the animal's disease is not readily determined through other means.

Amended by Chapter 345, 2017 General Session

4-31-109 Department authorized to make and enforce rules concerning brucellosis, trichomoniasis, tuberculosis, and other infectious diseases in livestock.

(1) The department may:
  (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to control and eradicate brucellosis, trichomoniasis, tuberculosis, and other infectious diseases in livestock; and
  (b) enforce the rules described in Subsection (1)(a).
(2) The department shall, in making the rules described in Subsection (1)(a), protect against negative impact on the interstate or intrastate commerce of livestock that is transferred, sold, or exhibited.

Amended by Chapter 414, 2015 General Session

4-31-109.1 Trichomoniasis fines.

(1) A person who knowingly sells a bull infected with trichomoniasis, other than to slaughter, without declaring the disease status of the animal shall be subject to citation and fines as prescribed by the department or may be called to appear before an administrative proceeding by the department, as established by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 4-31-109.
(2) After May 15 of each calendar year, an owner of a bull that has not been tested for trichomoniasis may be fined $1,000 per bull.
(3) An owner of a bull that has not been tested for trichomoniasis and that has been exposed to female cattle may be fined $1,000 per animal regardless of the time of year.

Amended by Chapter 345, 2017 General Session

4-31-111 Imported animals -- Health certificate.

Except as provided by rule made by the department, a person may not import an animal into this state unless the animal is accompanied by a health certificate that:
(1) meets the requirements of department rules; and
(2) is issued by a federally accredited veterinarian.

Renumbered and Amended by Chapter 331, 2012 General Session

4-31-113 Restrictions on movement of infected or exposed animals.

(1) A person who owns or has possession of an animal and knows that the animal is infected with, or has been exposed to, any contagious or infectious disease may not:
  (a) permit the animal to run at large or come in contact with an animal that can be infected; or
  (b) sell, ship, trade, or give away the infected animal without disclosing that the animal is diseased or has been exposed to disease.
(2) A person who violates Subsection (1) is liable to the owner or occupant of the premises for any damage inflicted by an infected animal.

(3) The provisions of this section do not apply to protected wildlife that is:
(a) living in nature; and
(b) under the jurisdiction of the Division of Wildlife Resources.

Amended by Chapter 345, 2017 General Session

4-31-114 Report of vesicular disease.
(1) A person who identifies symptoms of vesicular disease in livestock shall immediately report it to the department.
(2) The department may report a veterinarian licensed in this state to the veterinarian's licensing authority for the veterinarian's failure to report a diagnosed case of vesicular disease to the department.
(3) Failure by an owner of livestock to report symptoms of vesicular disease among the owner's livestock constitutes forfeiture of the right to claim an indemnity for an animal euthanized on account of the disease.

Amended by Chapter 59, 2024 General Session

4-31-115 Contagious or infectious disease, or any epidemic or poisoning -- Duties of department.
(1)
(a) The department shall investigate and may quarantine a reported case of contagious or infectious disease, or any epidemic or poisoning, affecting a domestic animal or an animal that the department believes may jeopardize the health of animals within the state.
(b) The department shall make a prompt and thorough examination of the circumstances surrounding the disease, epidemic, or poisoning and may order quarantine, care, or any necessary remedies.
(c) The department may also order immunization or testing and sanitary measures to prevent the spread of disease.
(d) An investigation involving fish or wildlife shall be conducted under a cooperative agreement with the Division of Wildlife Resources.
(2)
(a) If the owner or person in possession of an animal with a contagious or infectious disease, epidemic, or poisoning, after written notice from the department, fails to take the action ordered, the commissioner may seize and hold the animal and take action necessary to prevent the spread of disease, including immunization, testing, or treatment.
(b) An animal seized for testing or treatment under this section may be sold by the commissioner at public sale to reimburse the department for the costs incurred in the seizure, testing, treatment, maintenance, and sale of the animal unless the owner, before the sale, tenders payment for the costs incurred by the department.
(c)
(i) The commissioner may not sell a seized animal until the owner or person in possession of the animal is served with a notice specifying the itemized costs incurred by the department, the time, place, and purpose of sale, and the number of animals to be sold.
(ii) The notice shall be served at least three days in advance of sale in the manner:
(A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure; or
(B) if the owner cannot be found after due diligence, prescribed for service by publication in Rule 4(d)(4), Utah Rules of Civil Procedure.

(3)
(a) Any amount realized from the sale of the animal over the total charges shall be paid to the owner of the animal if the owner is known or can by reasonable diligence be found.
(b) If the owner is unknown and cannot be found by reasonable diligence, as described in Subsection (3)(a), the excess shall remain in the General Fund.
(c) If the total cost incurred is greater than the amount realized, the owner shall pay the difference.

Amended by Chapter 59, 2024 General Session

4-31-116 Quarantine -- Peace officers to assist in maintenance of quarantine.
(1) The commissioner may quarantine any infected domestic animal or area within the state to prevent the spread of infectious or contagious disease.
(2) A sheriff or other peace officer in the state shall, upon request of the commissioner, assist the department in maintaining a quarantine and arrest a person who violates the quarantine.
(3) The department shall pay all costs and fees incurred by any law enforcement authority in assisting the department.

Amended by Chapter 345, 2017 General Session

4-31-118 Animal disease traceability.
The department may:
(1) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary for animal disease traceability and compliance with federal law regarding animal disease traceability; and
(2) enforce the rules described in Subsection (1).

Enacted by Chapter 331, 2012 General Session

4-31-119 Disease control of poultry, waterfowl, and game-birds.
(1) Except as provided in Subsection (2), the department may:
(a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary for the control and prevention of disease in poultry, waterfowl, and game-birds; and
(b) enforce the rules described in Subsection (1)(a).
(2) The department may not make a rule under Subsection (1)(a) that relates to protected wildlife that is:
(a) living in nature; and
(b) under the jurisdiction of the Division of Wildlife Resources.

Enacted by Chapter 331, 2012 General Session

Chapter 32
Utah Meat and Poultry Products Inspection and Licensing Act

4-32-101 Title.

This chapter is known as the "Utah Meat and Poultry Products Inspection and Licensing Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-102 Purpose declaration.

(1) It is the purpose of this chapter to provide a meat and poultry inspection program in the state at least equal to the programs imposed under the:
  (a) Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
  (b) Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.;
  (c) Humane Slaughter Act, 7 U.S.C. Sec. 1901 et seq.; and
  (d) the Egg Product Inspection Act, 21 U.S.C. 1031 et seq.
(2) The commissioner shall administer and enforce this chapter to accomplish the purpose described in Subsection (1).

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-103 Adoption of federal provisions.

(1) The following federal laws, regulations, and standards are adopted by reference:
  (a) 9 C.F.R. Part 300 through Part 500 and Part 590;
  (b) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;
  (c) the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.;
  (d) the Humane Slaughter Act, 7 U.S.C. Sec. 1901 et seq.; and
  (e) the Egg Product Inspection Act, 21 U.S.C. 1031 et seq.
(2) Changes to the federal laws, regulations, and standards referenced in Subsection (1) are considered incorporated as those changes are made.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-104 Emergency rules.

The department may make emergency rules concerning the meat and poultry inspection program only in accordance with Section 63G-3-304.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-105 Definitions.

As used in this chapter:
(1) "Adulterated" means any meat or poultry product that:
  (a) bears or contains any poisonous or deleterious substance that may render it injurious to health, but, if the substance is not an added substance, the meat or poultry product is not considered adulterated under this subsection if the quantity of the substance in or on the meat or poultry product does not ordinarily render it injurious to health;
  (b) bears or contains, by reason of the administration of any substance to the animal or otherwise, any added poisonous or added deleterious substance that in the judgment of the commissioner makes the meat or poultry product unfit for human food;
  (c) contains, in whole or in part, a raw agricultural commodity and that commodity bears or contains a pesticide chemical that is unsafe within the meaning of 21 U.S.C. Sec. 346a;
  (d) bears or contains any food additive that is unsafe within the meaning of 21 U.S.C. Sec. 348;

(e) bears or contains any color additive that is unsafe within the meaning of 21 U.S.C. Sec. 379e, provided that a meat or poultry product that is not otherwise considered adulterated under Subsection (1)(c) or (d) is considered adulterated if use of the pesticide chemical, food additive, or color additive is prohibited in official establishments by federal law, regulation, or standard;

(f) consists, in whole or in part, of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(g) has been prepared, packaged, or held under unsanitary conditions if the meat or poultry product may have become contaminated with filth, or if it may have been rendered injurious to health;

(h) is in whole or in part the product of an animal that died other than by slaughter;

(i) is contained in a container that is composed, in whole or in part, of any poisonous or deleterious substance that may render the meat or poultry product injurious to health;

(j) has been intentionally subjected to radiation, unless the use of the radiation conforms with a regulation or exemption in effect pursuant to 21 U.S.C. Sec. 348;

(k) has a valuable constituent in whole or in part omitted, abstracted, or substituted; or if damage or inferiority is concealed in any manner; or if any substance has been added, mixed, or packed with the meat or poultry product to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value; or

(l) is margarine containing animal fat and any of the raw material used in the margarine consists in whole or in part of any filthy, putrid, or decomposed substance.

(2) "Amenable species" means:

(a) livestock, including cattle, sheep, goats, swine, or equine; or

(b) poultry, including a domesticated chicken, turkey, duck, goose, guinea, ratite, or squab.

(3) "Animal" means a domesticated or captive mammalian or avian species.

(4) "Animal food manufacturer" means any person engaged in the business of preparing animal food derived from animal carcasses or parts or products of the carcasses.

(5) "Antemortem inspection" means an inspection of a live animal immediately before slaughter.

(6) "Broker" means any person engaged in the business of buying and selling meat or poultry products other than for the person's own account.

(7) "Capable of use as human food" means any animal carcass, or part or product of a carcass, unless it is denatured or otherwise identified as required by rules of the department to deter the carcass or product's use as human food.

(8) "Commissioner" includes a person authorized by the commissioner to carry out the provisions of this chapter.

(9) "Container" or "package" means any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

(10) "Custom exempt processing" means processing meat, wild game, amenable species, or nonamenable species as a service for the person who owns the meat, wild game, amenable species, or nonamenable species, if the person:

(a) uses the meat, meat food products, slaughtered amenable species, wild game, or slaughtered nonamenable species for the person's own consumption, including consumption by immediate family members and nonpaying guests; or

(b) offers the slaughtered nonamenable species for wholesale or retail sale.

(11)

(a) "Custom exempt slaughter" means:

(i) slaughtering an amenable species or nonamenable species as a service for the person who owns the amenable species or nonamenable species and uses the slaughtered amenable

species or slaughtered nonamenable species for the person's own consumption, including consumption by immediate family members and nonpaying guests; or

(ii) the slaughter of a nonamenable species intended for wholesale or retail sale.

(b) "Custom exempt slaughter" includes farm custom slaughter.

(12) "Diseased animal":

(a) means an animal that:

(i) is diagnosed with a disease not known to be cured; or

(ii) has exhibited signs or symptoms of a disease that is not known to be cured; and

(b) does not include an otherwise healthy animal that suffers only from injuries such as fractures, cuts, or bruises.

(13) "Farm custom mobile unit" means a portable slaughter vehicle or trailer that is used by a farm custom slaughter licensee to slaughter animals.

(14) "Farm custom slaughter" means custom exempt slaughtering of an animal, amenable species, or nonamenable species for an owner without official inspection.

(15) "Farm custom slaughter license" means a license issued by the department to allow farm custom slaughter.

(16) "Farm custom slaughter NOT FOR SALE tag" means a tag issued by the department to the owner of the facility before the animal is slaughtered that specifies the animal's identification and certifies its ownership.

(17) "Federal acts" means:

(a) the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq.;

(b) the Federal Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq.; and

(c) the Humane Slaughter Act, 7 U.S.C. 1901 et seq..

(18) "Federal Food, Drug and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040) (21 U.S.C. 301 et seq.), and any amendments to the act.

(19) "Immediate container" means any consumer package, or any other container, in which meat or poultry products not consumer packaged are packed.

(20) "Inspector" means a department employee who is trained in:

(a) humane handling;

(b) antemortem and postmortem inspection;

(c) processing inspection; and

(d) regulatory requirements.

(21) "Label" means a display of printed or graphic matter upon any meat or poultry product or the immediate container, not including package liners, of any such product.

(22) "Labeling" means all labels and other printed or graphic matter:

(a) upon any meat or poultry product or any of its containers or wrappers; or

(b) accompanying a meat or poultry product.

(23) "Licensee" means a person who holds a valid farm custom slaughter license.

(24) "Meat" means the edible muscle, and other edible parts, of an animal, including edible:

(a) skeletal muscle;

(b) organs;

(c) muscle found in the tongue, diaphragm, heart, or esophagus; and

(d) fat, bone, skin, sinew, nerve, or blood vessel that normally accompanies meat and is not ordinarily removed in processing.

(25) "Meat establishment" means a plant or fixed premises used to:

(a) slaughter animals for human consumption; or

(b) process meat or poultry products for human consumption.

(26) "Meat product" means any product capable of use as human food that is made wholly or in part from any meat or other part of the carcass of any non-avian animal.

(27) "Misbranded" means any meat or poultry product that:

(a) bears a label that is false or misleading in any particular;

(b) is offered for sale under the name of another food;

(c) is an imitation of another food, unless the label bears, in type of uniform size and prominence, the word "imitation" followed by the name of the food imitated;

(d) if it has a container, the container is made, formed, or filled as to be misleading;

(e) does not bear a label showing:

(i) the name and place of business of the manufacturer, packer, or distributor; and

(ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count, provided that under this Subsection (27)(e), exemptions as to meat and poultry products not in containers may be established by rules of the department and that under this Subsection (27)(e)(ii), reasonable variations may be permitted, and exemptions for small packages may be established for meat or poultry products by rule of the department;

(f) does not bear any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling that is not prominently placed with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) is a food for which a definition and standard of identity or composition has been prescribed by rules of the department under Section 4-32-109 if the food does not conform to the definition and standard and the label does not bear the name of the food and any other information that is required by the rule;

(h) is a food for which a standard of fill has been prescribed by rule of the department for the container and the actual fill of the container falls below that prescribed unless the food's label bears, in a manner and form as the rule specifies, a statement that the food falls below the standard;

(i) is a food for which no standard or definition of identity has been prescribed under Subsection (27)(g) unless the label bears:

(i) the common or usual name of the food, if there be any; and

(ii) if the food is fabricated from two or more ingredients, the common or usual name of each such ingredient, except that spices, flavorings, and colorings may, when authorized by the department, be designated as spices, flavorings, and colorings without naming each, provided that to the extent that compliance with the requirements of this Subsection (27)(i)(ii) is impracticable, or results in deception or unfair competition, exemptions shall be established by rule;

(j) is a food that purports to be or is represented to be for special dietary uses, unless the label bears information concerning the food's vitamin, mineral, and other dietary properties as the department, after consultation with the Secretary of Agriculture of the United States, prescribes by rules as necessary to inform purchasers as to the food's value for special dietary uses;

(k) bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless the food bears labeling stating that fact, provided that to the extent that compliance with the requirements of this subsection are impracticable, exemptions shall be prescribed by rules of the department; or

(l) does not bear directly thereon and on the food's containers, as the department may prescribe by rule, the official inspection legend and establishment number of the official establishment where the product was prepared, and, unrestricted by any of the foregoing, other information as the department may require by rule to assure that the meat or poultry product will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the meat or poultry product in a wholesome condition.

(28)

(a) "Nonamenable species" means a member of a species that is:

(i) not included in the definition of amenable species; and

(ii) domestically raised.

(b) "Nonamenable species" includes domesticated game, as defined in Section 4-32a-201.

(29) "Official certificate" means any certificate prescribed by rules of the department for issuance by an inspector or other person performing official functions under this chapter.

(30) "Official device" means a device prescribed or authorized by the commissioner for use in applying an official mark.

(31) "Official establishment" means an establishment at which inspection of the slaughter of animals or the preparation of meat or poultry products is maintained under the authority of this chapter.

(32)

(a) "Official inspection" means mandatory inspection, carried out under grant of inspection issued by the department, of a slaughtered animal or preparation for slaughtering an animal, if the animal is intended for human consumption.

(b) "Official inspection" does not apply to custom exempt processing or farm custom slaughter.

(33) "Official inspection legend" means a symbol prescribed by rules of the department showing that a meat or poultry product was inspected and passed in accordance with this chapter.

(34) "Official mark" means the official legend or other symbol prescribed by rules of the department to identify the status of an animal carcass or meat or poultry product under this chapter.

(35) "Pesticide chemical," "food additive," "color additive," and "raw agricultural commodity," have the same meanings for purposes of this chapter as ascribed to them in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

(36) "Postmortem inspection" means an inspection of a slaughtered food animal's carcass after slaughter.

(37) "Poultry" means any domesticated bird, whether living or dead.

(38) "Poultry product" means any product capable of use as human food that is made wholly or in part from any poultry carcass, excepting products that contain poultry ingredients in relatively small proportion or that historically have not been considered by consumers as products of the poultry food industry, and that are exempted from definition as a poultry product by the commissioner.

(39) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

(40) "Process" means to cut, grind, manufacture, compound, smoke, intermix, or prepare meat or poultry products.

(41) "Renderer" means any person engaged in the business of rendering animal carcasses, or parts or products of animal carcasses, except rendering conducted under inspection or exemption under this chapter.

(42) "Slaughter" means:

(a) the killing of an animal, amenable species, or nonamenable species in a humane manner including skinning or dressing; or

(b) the process of performing any of the specified acts in preparing an animal, amenable species, or nonamenable species for human consumption.

(43) "Wild game" means a species, the products of which are food, that is not classified as an amenable species or nonamenable species, including:

(a) a deer;

(b) an elk;

(c) an antelope;

(d) a moose;

(e) a bison;

(f) a rabbit; and

(g) a bird.

Amended by Chapter 315, 2019 General Session

4-32-106 Meat establishment license -- Slaughtering livestock except in licensed meat establishment prohibited -- Exceptions -- Violation a misdemeanor.

(1) A person may not, except in a licensed meat establishment, slaughter animals for human consumption or assist other persons in the slaughter or processing of animals except as otherwise provided in Subsection (2), (3), or (4).

(2) A person who raises an animal or an employee of that person may slaughter an animal without a farm custom slaughter license if:

(a) slaughtering or processing animals is not prohibited by local ordinance;

(b) any hide, viscera, blood, or other tissue is disposed of by removal to a rendering facility or landfill or by burial, as allowed by law;

(c) the meat or poultry product derived from the slaughtered animal is consumed exclusively by the person or the person's immediate family, regular employees of the person, or nonpaying guests; and

(d) the meat or poultry product is marked "Not For Sale."

(3) Farm custom slaughter may be performed by a person who holds a valid farm custom slaughter license.

(4) A retail establishment that processes meat or poultry products primarily for sale to individual consumers at the retail establishment is exempt from provisions requiring licensing of a meat establishment if:

(a) the retail establishment is not engaged in slaughter operations;

(b) the retail establishment sells the processed meat and poultry products only to individual consumers at the retail establishment or to restaurants or institutions for use in meals served at those restaurants or institutions;

(c) the retail establishment's sales of processed meat and poultry products to restaurants or institutions do not exceed the federal adjusted dollar limitation, or 25% by dollar volume of all meat sales from the retail establishment, whichever is less;

(d) the retail establishment receives meat only from a meat establishment licensed under this chapter or inspected by the United States Department of Agriculture under 21 U.S.C. Secs. 451 to 695;

(e) the operator of the retail establishment does not sell to any person other than an individual consumer any meat or poultry product that is cured, smoked, seasoned, canned, or cooked at the retail establishment;

(f) the retail establishment does not sell any meat or poultry product that is cured, smoked, seasoned, canned, or cooked at the retail establishment at a location other than the retail establishment; and
(g) the operator of the retail establishment does not sell to any person other than an individual consumer any meat product made by combining meat from different animal species at the retail establishment.
(5) Any person who violates this section, except as otherwise provided in Subsection (6), is guilty of a class C misdemeanor.
(6) Any person who offers for sale or sells any uninspected meat or poultry product is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-107 Meat establishment and farm custom slaughter licenses -- Application -- Fees -- Expiration -- Renewal.
(1) A person may not operate a meat establishment in the state without a meat establishment license issued by the department.
(2)
(a) Application for a license to operate a meat establishment shall be made to the department upon a form prescribed and furnished by the department.
(b) Upon receipt of a proper application, compliance with all applicable rules, and the payment of an annual license fee determined by the department according to Subsection 4-2-103(2), the commissioner, if satisfied that the public convenience and necessity will be served, shall issue a license allowing the applicant to operate a meat establishment through December 31 of the year in which the license is issued, subject to suspension or revocation for cause.
(c) A meat establishment license is annually renewable on or before December 31 of each year, upon the payment of an annual license renewal fee in an amount determined by the department according to Subsection 4-2-103(2).
(3)
(a) Application for a farm custom slaughter license to engage in the business of slaughtering livestock or a nonamenable species shall be made to the department on a form prescribed and furnished by the department.
(b) Upon receipt of a proper application, compliance with all applicable rules, and payment of a license fee in an amount determined by the department according to Subsection 4-2-103(2), the commissioner shall issue a license allowing the applicant to engage in farm custom slaughtering.
(c) A farm custom slaughter license is annually renewable on or before December 31 of each year, upon the payment of an annual renewal license fee in an amount determined by the department according to Subsection 4-2-103(2).

Amended by Chapter 315, 2019 General Session

4-32-108 Duties of person who holds a farm custom slaughter license.
Each person who holds a farm custom slaughter license shall:
(1) keep accurate records of each animal or a nonamenable species slaughtered, including:
(a) the name, address, and telephone number of each person for whom the animal or a nonamenable species is slaughtered;

(b) a full description of each animal or a nonamenable species slaughtered including age, brands, marks, or other identifying marks, proof of ownership, and the destination of the carcass for processing; and
(c) the date of slaughter;
(2) require that each animal presented for slaughter bear a farm custom slaughter NOT FOR SALE tag;
(3) render the animal to be slaughtered insensible to pain by captive bolt, gunshot, electric shock, or other humane means before it is shackled, hoisted, thrown, cast, or cut; and
(4) stamp and tag the carcass of any slaughtered animal "Not For Sale."

Amended by Chapter 315, 2019 General Session

4-32-109 Mandatory functions, powers, and duties of department prescribed.
(1) The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, concerning the following functions, powers, and duties, in addition to those specified in Chapter 1, General Provisions, for the administration and enforcement of this chapter.
(2) The department shall require antemortem and postmortem inspections, quarantine, segregation, and reinspections by inspectors appointed for those purposes with respect to the slaughter of animals and the preparation of meat and poultry products at official establishments, except as provided in Subsection 4-32-110(13).
(3) The department shall require that:
(a) animals be identified for inspection purposes;
(b) meat or poultry products, or their containers be marked or labeled as:
(i) "Utah Inspected and Passed" if, upon inspection, the products are found to be unadulterated; and
(ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be adulterated; and
(c) condemned animal carcasses or products, which otherwise would be used for human consumption, be destroyed under the supervision of an inspector.
(4) The department shall prohibit or limit meat products, poultry products, or other materials not prepared under inspection procedures provided in this chapter, from being brought into official establishments.
(5) The department shall require that labels and containers for meat and poultry products:
(a) bear all information required by Section 4-32-115 if the product leaves the official establishment; and
(b) be approved before sale or transportation.
(6) For official establishments required to be inspected under Subsection (2), the department shall:
(a) prescribe sanitary standards;
(b) require sanitary inspections; and
(c) refuse to provide inspection service if the sanitary conditions allow adulteration of any meat or poultry product.
(7)
(a) The department shall require that any person engaged in a business referred to in Subsection (7)(b):
(i) keep accurate records disclosing all pertinent business transactions;
(ii) allow inspection of the business premises at reasonable times and examination of inventory, records, and facilities; and

(iii) allow samples to be taken.

(b) Subsection (7)(a) applies to any person who:

(i) slaughters animals;

(ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or poultry products for human or animal consumption;

(iii) renders animals; or

(iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of their carcasses that died by a method other than slaughter.

(8)

(a) The department shall:

(i) adopt by reference rules under federal acts with changes that the commissioner considers appropriate to make the rules applicable to operations and transactions subject to this chapter; and

(ii) make any other rules considered necessary for the efficient execution of the provisions of this chapter, including rules of practice providing an opportunity for hearing in connection with the issuance of orders under Subsection (6) or under Subsection 4-32-110(1), (2), or (3) and prescribing procedures for proceedings in these cases.

(b) These procedures do not preclude requiring that a label or container be withheld from use, or inspection be refused under Subsection (2) or (6), or Subsection 4-32-110(3), pending issuance of a final order in the proceeding.

(9)

(a) To prevent the inhumane slaughtering of animals, inspectors shall be appointed to examine and inspect methods of handling and slaughtering animals.

(b) Inspection of slaughtering establishments may be refused or temporarily suspended if animals have been slaughtered or handled by any method not in accordance with the Humane Methods of Slaughter Act of 1978, Pub. L. No. 95-445.

(c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or a religious faith's requirements that discourage stunning of the animal, the person slaughtering the animal shall file a written request with the commissioner.

(10)

(a) The department shall require an animal showing symptoms of disease during antemortem inspection, performed by an inspector appointed for that purpose, to be set apart and slaughtered separately from other livestock and poultry.

(b) When slaughtered, the carcasses of livestock and poultry are subject to careful examination and inspection in accordance with rules prescribed by the commissioner.

(11) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 20,000 poultry during the calendar year to be no more stringent than the exemptions described in 21 U.S.C. Secs. 464(c)(1)(C), 21 U.S.C. Sec. 464(c)(3), 9 C.F.R. Sec. 381.10(a)(5), and 9 C.F.R. Secs. 381.10(b)(1) and (2).

(12) Subject to Subsection (14), the department shall make rules for exemptions for persons who slaughter or process fewer than 1,000 poultry during the calendar year to be no more stringent than the exemptions described in 21 U.S.C. Sec. 464(c)(4) and 9 C.F.R. Sec. 381.10(c).

(13) The department may maintain:

(a) a registry of persons who slaughter or process fewer than 20,000 poultry during the calendar year; and

(b) a registry of persons who slaughter or process fewer than 1,000 poultry during the calendar year.

(14) The department shall make the rules described in Subsections (11) and (12) after the day on which the department receives approval from the U.S. Department of Agriculture that making the rules will preserve the state's role in meat and poultry inspections.

Amended by Chapter 129, 2020 General Session

4-32-110 Discretionary functions, powers, and duties of commissioner prescribed.

The commissioner may:

(1) remove inspectors from any official establishment that fails to:
  (a) destroy condemned products pursuant to Subsection 4-32-109(3); or
  (b) comply with any other of this chapter's requirements;
(2) refuse to provide inspection for any official establishment for any cause specified in Section 401 of the Federal Meat Inspection Act or Section 18 of the federal Poultry Products Inspection Act;
(3) withhold the use of labels and containers if the labeling is false or misleading or the containers are misleading in size or form;
(4) prescribe the type size and style to be used for labeling:
  (a) information;
  (b) definitions; and
  (c) standards of identity, composition, or container fill;
(5) prescribe conditions for the storage and handling of meat and poultry products by any person who sells, freezes, stores, or transports these products to prevent them from becoming adulterated or misbranded;
(6) require that equines be slaughtered and prepared in official establishments separate from those where other animals are slaughtered or their products are prepared;
(7) require that the following people register the name and address of each place of business and all trade names:
  (a) broker;
  (b) renderer;
  (c) animal food manufacturer;
  (d) wholesaler;
  (e) public warehouseman of meat or poultry products; or
  (f) anyone engaged in the business of buying, selling, or transporting any:
    (i) dead, dying, disabled, or diseased animals; or
    (ii) parts of animal carcasses that died other than by slaughter;
(8) make inspections of official establishments at night, as well as during the day, if animals or meat and poultry products are slaughtered and prepared for commercial purposes in those establishments at night;
(9) divide the state into inspection districts and designate killing days and partial killing days for each official establishment;
(10) cooperate with the Secretary of Agriculture of the United States in the administration of this chapter and accept federal assistance and use funds appropriated for the administration of this chapter to pay the state's proportionate share of the cooperative program;
(11) recommend the names of officials and employees of the department to the Secretary of Agriculture of the United States for appointment to the advisory committees provided for in the federal acts;
(12) serve as the representative of the governor for consultation with the Secretary of Agriculture under paragraph (c) of Section 301 of the Federal Meat Inspection Act and Section 5(c) of the

federal Poultry Products Inspection Act, unless the governor selects another representative; and

(13) exempt from inspection:

(a) the slaughter and processing of an animal by any person who raises an animal for the person's own use, members of the person's household, employees, or nonpaying guests;

(b) custom exempt slaughter and processing operations;

(c) farm custom slaughter performed by a licensee; and

(d) any other operation, if the exemption:

(i) furthers the purposes of this chapter; and

(ii) conforms to federal acts.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-111 Additional powers of commissioner.

(1) The commissioner may:

(a) gather and compile information concerning, and investigate the organization, business, conduct, practices, and management of, any person subject to this chapter;

(b) require any person subject to this chapter to file information regarding the person's business or operation as the commissioner requires;

(c) for the purpose of this chapter, at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation;

(d) require the attendance of witnesses and the production of documentary evidence at any place designated for hearing;

(e) invoke the aid of any court of competent jurisdiction to compel the attendance of witnesses and the production of documentary evidence, in the case of disobedience to a subpoena; and

(f) order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of the proceeding or investigation.

(2) In the event a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

(3)

(a)

(i) Any person who without just cause neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in the person's power to do so, in obedience to the subpoena or lawful requirement of the commissioner is guilty of a class A misdemeanor.

(ii) A fine imposed for a violation of Subsection (3)(a)(i) may not be less than $500.

(b)

(i) A person is guilty of a class A misdemeanor if the person:

(A) willfully makes, or causes to be made, any false entry or statement of fact in any report required to be made under this chapter;

(B) willfully makes, or causes to be made, any false entry in any account, record, or memorandum kept by any person subject to this chapter;

(C) neglects or fails to make, or to cause to be made, full, true, and correct entries in those accounts, records, or memoranda, of all facts and transactions appertaining to the business of that person; or

(D) willfully removes out of the jurisdiction of this state, or willfully mutilates, alters, or by any other means falsifies any documentary evidence of any person subject to this chapter or that willfully refuses to submit to the commissioner or to any of the commissioner's authorized agents, for the purpose of inspection and making copies, any documentary evidence of any person subject to this chapter within the person's possession or control.

(ii) A fine imposed for a violation of Subsection (3)(b)(i) may not be less than $500.

(c)

(i) If any person required by this chapter to file any annual or special report fails to do so within the time fixed by the commissioner, and the failure continues for 30 days after notice of default, the person shall forfeit to the state the sum of $10 for each day of the continuance of the failure, which forfeiture is payable into the treasury of this state, and is recoverable in a civil suit in the name of the state brought in the district where the person has a principal office or in any district in which he does business.

(ii) The various county attorneys, under the direction of the attorney general of this state, shall prosecute for the recovery of the forfeitures.

(iii) The costs and expenses of prosecution shall be paid out of the appropriation for the expenses of the courts of this state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-112 Judicial review of orders enforcing chapter.

(1) Any party aggrieved by an order issued under Subsection 4-32-109(4) or under Subsection 4-32-110(1), (2), or (3) may obtain judicial review.

(2) All proceedings for the enforcement of this chapter, or to restrain violations of this chapter, shall be by and in the name of this state.

Amended by Chapter 158, 2024 General Session

4-32-113 Preparation and slaughter of livestock, poultry, or livestock and poultry products -- Adulterated or misbranded products -- Violation of rule or order.

(1) An animal or meat or poultry product that may be used for human consumption shall not be:

(a) slaughtered or prepared unless it is done in compliance with this chapter's requirements;

(b) sold, transported, offered for sale or transportation, or received for transportation, if it is adulterated or misbranded, unless it has been inspected and approved; or

(c) subjected to any act while being transported or held for sale after transportation resulting in one of the products becoming adulterated or being misbranded.

(2) A person may not violate any rule or order of the commissioner under Subsection 4-32-109(4) or (7), or Subsection 4-32-110(3), (5), or (7).

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-114 Unauthorized use or possession of official devices, labels, marks, or certificates -- False statements, misrepresentations, and trade secrets.

(1) A person may not cast, print, lithograph, or make any device or label containing or bearing any official mark or simulation of a mark, or any form or simulation of an official certificate, unless authorized by the commissioner.

(2) A person may not:

(a) forge any official device, mark, or certificate;

(b) use any official device, mark, or certificate without the authorization of the commissioner;
(c) alter, detach, deface, or destroy any official device, mark, or certificate;
(d) fail to use, detach, deface, or destroy any official device, mark, or certificate as required by this chapter;
(e) knowingly possess any of the following, if it bears any unauthorized, counterfeit, simulated, forged, or altered official mark:
(i) an official device;
(ii) a counterfeit, simulated, forged, or altered official certificate;
(iii) a device;
(iv) a label;
(v) a carcass of any animal, including poultry; or
(vi) a part or product of any animal, including poultry;
(f) knowingly make any false statement in any shipper's certificate, or nonofficial or official certificate;
(g) knowingly represent that any meat or poultry product has been inspected and approved, or exempted, under this chapter when, in fact, it has not; or
(h) use to the person's advantage or reveal any information acquired under the authority of this chapter relating to any matter entitled to protection as a trade secret unless the information is:
(i) revealed to an authorized government representative; or
(ii) ordered by a court in a judicial proceeding.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-115 Meat or poultry products to be marked or labeled -- Meat or poultry products not intended for human food -- Dead, dying, disabled, or diseased animals.

(1) A person may not sell, transport, offer for sale or transportation, or receive for transportation, any animal carcasses or parts of such carcasses, or the meat or meat products, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by rules adopted by the department to show the kinds of animals from which they were derived.
(2) A person may not buy, sell, transport, or offer for sale or transportation, or receive for transportation any meat or poultry products that are not intended for human food unless they are denatured or otherwise identified as required by the rules of the department or are naturally inedible by humans.
(3) A person engaged in the business of buying, selling, or transporting dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, may not buy, sell, transport, offer for sale or transportation, or receive for transportation the animals or parts of carcasses unless the transaction or transportation is made in accordance with rules adopted by the department to assure that the animals or parts of carcasses will be prevented from being used for human food.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-116 Attempt to bribe state officer or employee -- Acceptance of bribe -- Interference with official duties -- Penalties.

(1)
(a) A person who gives, pays, or offers, directly or indirectly, any money or other thing of value, to any officer or employee of this state who is authorized to perform any duties under this chapter, with the intent to influence the officer or employee in the discharge of the officer's

or employee's duty, is guilty of a felony of the third degree, and upon conviction, shall be punished by a fine of not more than $5,000 or imprisonment of not more than five years, or both.

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

(2)

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

(b) A person who, in the commission of any violation of Subsection (2) of this section, uses a dangerous weapon as defined in Section 76-1-101.5, is guilty of a felony of the second degree and upon conviction shall be punished by a fine of not more than $10,000, or by imprisonment for a period of not more than 10 years, or both.

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

Amended by Chapter 430, 2022 General Session
Renumbered and Amended by Chapter 345, 2017 General Session

4-32-117 Inspection of products placed in containers -- Supervision of inspector -- Access to establishment.

(1) An inspection of products placed in any container at any official establishment may not be considered to be complete until the products are sealed or enclosed under the supervision of an inspector.

(2) For purposes of any inspection of products required by this chapter, inspectors authorized by the department shall have access at all times to every part of every establishment required to have inspection whether the establishment is operated or not.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-118 Detention of animals or meat or poultry products -- Removal of official marks.

(1) Whenever any meat or poultry product or any product exempted from the definition of a meat or poultry product, or any dead, dying, disabled, or diseased animal, is found by any authorized representative of the commissioner, and there is reason to believe that it is adulterated or misbranded and is capable of use as human food, or that it has not been inspected and passed, or that it has been or is intended to be distributed in violation of this chapter, it may be detained by the representative pending action under Section 4-32-119, and may not be moved by any person from the place at which it is located when so detained, until released by such representative.

(2) All official marks may be required by the representative described in Subsection (1) to be removed from a product or animal described in Subsection (1) before the product is released.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-119 Quarantine authorized -- Conditions giving rise to quarantine.

(1) A meat or poultry product, or a dead, dying, disabled, or diseased animal that is being transported or is held for sale in this state, shall be seized and quarantined if it:
  (a) is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter;
  (b) is capable of use as human food and is adulterated or misbranded; or
  (c) in any other way violates this chapter.
(2) Quarantined animals or products shall be condemned and destroyed, except that the owner of the quarantined animals or products may request a hearing within five days, and the commissioner shall, within five days after the request, conduct a hearing to decide whether the quarantined animals or products shall be condemned.
(3) The commissioner's decision under Subsection (2) is final, and all condemned animals or products shall immediately be destroyed or denatured in the presence of the commissioner or an inspector.
(4) This section does not limit the authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-120 Rules for the construction and operation of meat establishments authorized.

(1) For the purposes of administering this chapter and qualifying meat establishments for licenses, the department may adopt sanitary inspection rules and regulations, including those pertaining to the construction, equipment, and facilities of meat establishments.
(2) The rules shall conform with the regulations made under the federal acts.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-121 Suspension or revocation -- Grounds.

The department may upon its own motion, and shall upon the verified complaint in writing of any person, investigate or cause to be investigated the operation of any meat establishment, and may suspend or revoke the license of the meat establishment upon any of the following grounds:
(1) the license was obtained by any false or misleading statement;
(2) for slaughtering any animal without an antemortem and a postmortem inspection, or for processing any meat or poultry or products of meat or poultry that have not been inspected and passed, or exempted, and so identified;
(3) the advertising or publicizing of any false or misleading statements that pertain to the slaughtering, processing, or distribution of animals or meat or poultry products;
(4) the failure to maintain refrigeration or sanitation, or dispose of waste as required by rules of the department; or
(5) the failure to comply with rules of the department pertaining to the disposal of carcasses or parts of carcasses that have been determined to be unfit for human consumption.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-122 Denial of application for farm custom slaughter license -- Venue for judicial review.

(1) An applicant whose application for a license to operate a meat establishment or to obtain a farm custom slaughter license is denied may file a request for agency action with the department, requesting a hearing on the issue of denial.
(2)
(a) A person who is aggrieved by an order issued under this section may obtain judicial review.
(b) Venue for judicial review of an informal adjudicative proceeding is in the district court in the county in which the alleged unlawful activity occurred or, in the case of an order denying a license application, in the county where the applicant resides.
(3) The attorney general's office shall represent the department in an original action or appeal under this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-32-123 Animals slaughtered or the meat and poultry products not intended for human use -- No inspection -- Products to be denatured or otherwise identified.

Inspection may not be provided under this chapter at any establishment for the slaughter of animals or the preparation of any meat or poultry products that are not intended for use as human food, but the products shall be denatured or otherwise identified as prescribed by rules of the department before the meat and poultry products are offered for sale or transportation.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 32a
Domesticated Game Slaughter and Processing

Part 1
General Provisions

4-32a-101 Title.

This chapter is known as "Domesticated Game Slaughter and Processing."

Enacted by Chapter 315, 2019 General Session

4-32a-102 Definitions.

Reserved

Enacted by Chapter 315, 2019 General Session

Part 2
Domesticated Game Slaughter and Processing

4-32a-201 Definitions.

As used in this part:
(1) "Antemortem inspection" means the inspection of live domesticated game immediately before slaughter.

(2) "Domesticated game" means one of the following that is commercially raised for wholesale or retail sale to a restaurant, store, or end consumer:
  (a) a domesticated elk;
  (b) a bison;
  (c) a game bird; or
  (d) a rabbit.
(3) "Domesticated game carcass" means any part of the slaughtered body of domesticated game, including entrails and edible meats.
(4) "Domesticated game slaughter" means the slaughter of domesticated game that is not regulated under Chapter 32, Utah Meat and Poultry Products Inspection and Licensing Act.
(5) "End consumer" means an individual who:
  (a) purchases a product directly from an agricultural operation or a facility licensed to perform custom exempt processing, as defined in Section 4-32-105; and
  (b) does not resell the purchased product.
(6) "Farm custom slaughter license" means a farm custom slaughter license issued under Section 4-32-107.
(7) "Postmortem inspection" means the inspection of a domesticated game carcass after slaughter.
(8) "Process" means to cut, grind, manufacture, compound, smoke, intermix, or prepare products from a domesticated game carcass.
(9) "Slaughter" means killing domesticated game in a humane manner, including skinning or dressing.
(10) "Veterinarian" means a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, who has successfully completed formal training in antemortem inspection and postmortem inspection.
(11) "Veterinarian designee" means an individual designated by a veterinarian as successfully completing formal training in antemortem inspection and postmortem inspection.

Enacted by Chapter 315, 2019 General Session

4-32a-202 Domesticated game slaughter and processing.
(1) Except as provided in this part, the Federal Meat Inspection Act, 21 U.S.C. Sec. 601 et seq., or the Poultry Products Inspection Act, 21 U.S.C. Sec. 451 et seq., a person may not slaughter domesticated game for:
  (a) wholesale or retail sale; or
  (b) sale to an end consumer.
(2) In accordance with this part and department rule, the department shall permit the slaughter and processing of domesticated game.
(3) This chapter does not apply to the slaughter of domesticated game if the purpose of slaughtering the domesticated game is for personal use.
(4) Nothing in this part prohibits a person from processing a domesticated game carcass in accordance with this part, if:
  (a) the domesticated game carcass passes postmortem inspection as described in this part; and
  (b)
    (i) the person holds a farm custom slaughter license; or
    (ii) the person processes the domesticated game carcass in accordance with the exemption described in 9 C.F.R. Secs. 303.1(d)(1) and (2).
(5) A person who slaughters domesticated game under this part may not sell the domesticated game outside of the state.

Enacted by Chapter 315, 2019 General Session

4-32a-203 Notice to department before slaughtering or processing domesticated game.

(1) Before slaughtering domesticated game, a person shall notify the department at least 30 days before the day on which the person slaughters the domesticated game.

(2) Before processing slaughtered domesticated game, a person shall notify the department at least five days before the day on which the person processes the slaughtered domesticated game.

Enacted by Chapter 315, 2019 General Session

4-32a-204 Inspection and slaughter of domesticated game.

(1) Except as provided in Section 4-32a-205, domesticated game shall receive both an antemortem inspection and postmortem inspection by a veterinarian or veterinarian designee as part of the slaughtering process, in accordance with this section.

(2) A veterinarian or veterinarian designee may complete an antemortem inspection or postmortem inspection in the field, in accordance with the requirements of this part.

(3)

(a) Before undertaking an antemortem inspection or postmortem inspection, a veterinarian or veterinarian designee shall inspect the designated slaughter area and facilities in accordance with this part and department rule.

(b) A veterinarian or veterinarian designee may not undertake an antemortem or postmortem inspection if the designated slaughter area and facilities do not pass the inspection described in Subsection (3)(a).

(4) If domesticated game requires an antemortem inspection and the domesticated game does not pass the antemortem inspection, the domesticated game may not be slaughtered for wholesale or retail sale.

(5)

(a) Before being shackled, hoisted, thrown, cast, or cut, domesticated game shall be rendered insensible to pain by a single blow, gunshot, electrical shock, or other means that is instantaneous and effective.

(b) Immediately after domesticated game is stunned or killed, the domesticated game or domesticated game carcass shall be shackled, hoisted, stuck, and bled.

(c) The parts of a domesticated game carcass shall be identified with the particular carcass until after completion of the postmortem inspection, in accordance with department rule.

(6)

(a) Postmortem inspection of a domesticated game carcass shall be conducted immediately following the slaughter and evisceration of the domesticated game.

(b) A veterinarian or veterinarian designee that completes a postmortem inspection shall, if condemning a domesticated game carcass:

(i) mark each domesticated game carcass or part of a domesticated game carcass as condemned in accordance with department rule; and

(ii) retain custody of each condemned domesticated game carcass or carcass part until proper disposal occurs, in accordance with 9 C.F.R. Part 314 and department rule.

Enacted by Chapter 315, 2019 General Session

4-32a-205 Requirements for slaughtered domesticated game intended for sale to an end consumer.

(1) Domesticated game intended for sale to an end consumer does not require an antemortem inspection.

(2) Domesticated game intended for sale to an end consumer shall:

(a) receive a postmortem inspection; or

(b) in accordance with department rule, prior to sale, be labeled that the purchased product is not certified, licensed, regulated, or inspected by the state.

Enacted by Chapter 315, 2019 General Session

4-32a-206 Transportation of slaughtered domesticated game.

(1) Prior to transport, stunned or slaughtered domesticated game shall be tagged as described in department rule.

(2) A domesticated game carcass intended for processing shall be transported in accordance with department rule.

Enacted by Chapter 315, 2019 General Session

4-32a-207 Fees set by department -- Cost of chronic wasting disease testing.

(1) The department shall adopt a schedule of fees to cover the cost of this part.

(2) The owner of domesticated game slaughtered under this part is responsible for the cost of required chronic wasting disease testing.

Enacted by Chapter 315, 2019 General Session

4-32a-208 Rulemaking.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and this part, the department shall make rules regarding:

(a) antemortem inspection, in accordance with 9 C.F.R. Sec. 352.10;

(b) postmortem inspection of the domesticated game carcass to ensure the domesticated game carcass is clean and wholesome, including inspection of the kidneys and abdominal and thoracic viscera;

(c) slaughter area and facilities requirements;

(d) personal cleanliness of individuals involved in domesticated game slaughter;

(e) skinning, hoisting, bleeding, and evisceration of domesticated game;

(f) chronic wasting disease testing requirements, surveillance, investigation, and follow-up, in accordance with department rule;

(g) tags and tagging procedure to maintain carcass identification;

(h) procedure for transportation of a domesticated game carcass; and

(i) packaging and labeling of domesticated game products.

(2) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding labeling a domesticated game carcass as slaughtered:

(a) with inspection and processed at a farm custom slaughter facility; or

(b) with inspection and the domesticated game carcass released to a licensed food establishment for processing and sale to a consumer.

(3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that allow:

(a) a person with a farm custom slaughter license to slaughter and process domesticated game in accordance with this part; and
(b) a facility licensed to perform custom exempt processing, as defined in Section 4-32-105, to process slaughtered domesticated game in accordance with this part.

Amended by Chapter 354, 2020 General Session

Chapter 33
Motor Fuel Inspection Act

4-33-101 Title.
This chapter shall be known as the "Motor Fuel Inspection Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-102 Purpose of chapter.
It is the purpose of this chapter to promote the safety and welfare of users of motor fuels in this state and also to promote the orderly marketing of motor fuels.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-103 Definition.
As used in this chapter, "motor fuel" means any combustible liquid or vapor used to power a motor vehicle or a motor vehicle engine.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-104 Administrative and enforcement powers of department.
The department shall administer and enforce this chapter and may:
(1) make and enforce such rules, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary for the effective administration and enforcement of this chapter;
(2) acquire and test motor fuel samples to determine compliance with this chapter;
(3) maintain and staff a laboratory to test motor fuel samples;
(4) enter public or private premises during normal working hours to enforce this chapter;
(5) stop and detain any commercial vehicle transporting motor fuel to inspect the contents and applicable documents or to acquire motor fuel samples; and
(6) require that records applicable to this chapter be available for examination and review upon request by the department.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-105 Prohibitions.
It is unlawful for any person in this state to:
(1) offer for sale, sell, or deliver any motor fuel which fails to meet the standards prescribed by the department;

(2) advertise or display the price of motor fuel without advertising or displaying the grade of the motor fuel and the type of service; or
(3) haul or transport motor fuel for the purpose of sale or delivery in this state without an invoice or bill of lading stating the name and address of the owner or person consigning the fuel for transport, the Utah grade of the motor fuel, and the number of gallons consigned.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-106 Octane rating determination and posting.

The determination of octane ratings and the posting of the octane on dispensing devices shall be in accord with Federal Trade Commission requirements described in 16 C.F.R. Part 306, Automotive Fuel Ratings, Certification, and Posting.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-107 Inspection, sampling, testing, and analysis of fuels by department.

(1) The department shall periodically sample, inspect, analyze and test motor fuels dispensed in this state and may enter any public premises or vehicle for the purpose of determining compliance with this chapter.
(2)
  (a) Methods of sampling, testing, analyzing, and designating motor fuels shall conform with methods specified and published by the American Society for Testing and Materials.
  (b) Unless modified by the department by rule, the latest published standards of the American Society for Testing and Materials apply.
(3) Upon request, the department shall pay the posted price for samples and the person from whom the sample is taken shall give a signed receipt evidencing payment.
(4) Tests and analyses conducted by the department shall be prima facie evidence of the facts shown by such tests in any court proceeding.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-108 Locking and sealing of pumps in violation of chapter -- Posting notice -- Removal of sealed fuel -- Resealing.

(1)
  (a) The department may lock and seal any pump or other dispensing device that is in violation of this chapter.
  (b) If the department locks and seals a pump or other dispensing device pursuant to Subsection (1)(a), the department shall post a notice in a conspicuous place on the pump or other dispensing device stating that the device has been sealed by the department and to break or destroy the seal or to mutilate or alter the notice is unlawful.
(2)
  (a) Any person who is aggrieved by the action of the department may advise the department that such person intends to remove the balance of the motor fuel from the tank or other container which contains the sealed motor fuel.
  (b) The department, within two working days after the receipt of such notice, shall break the seal or lock for the container to be emptied.
(3)

(a) If the aggrieved party fails to remove the sealed motor fuel within 24 hours after the department breaks the seal, the department may reseal the dispensing device.
(b) The seal may not be broken nor the contents of any container removed, except after a subsequent written notice of intent to remove is filed with the department and upon the payment of a service charge determined by the department pursuant to Subsection 4-2-103(2).
(c) A notice of intent to remove may be filed on paper or electronically.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-109 Warrant to enter premises for inspection or sampling.

If admittance is refused to the department either for sampling or for inspection of transport invoices or bills of lading, the department may obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises for the purpose of inspection or taking samples or to examine transport documents.

Renumbered and Amended by Chapter 345, 2017 General Session

4-33-110 Interstate commerce -- Chapter inapplicable to fuel in transit through state.

(1) Except as provided in Subsection (2), this chapter is inapplicable to motor fuel being transported through this state in interstate commerce.
(2) This chapter applies to motor fuel that is consigned or destined for delivery in the state.

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 34
Charitable Donation

4-34-101 Title.

This chapter is known as "Charitable Donation."

Enacted by Chapter 345, 2017 General Session

4-34-102 Definitions.

For purposes of this chapter:
(1) "Agricultural product" means a fowl, animal, fish, vegetable, or other product or article, fresh or processed, that is customary food, or that is proper food for human consumption.
(2) "Glean" means to harvest, for free distribution, an agricultural crop that has been donated by the owner.
(3) "Government food pantry" means the following when receiving, accepting, gleaning, or distributing food donated under this chapter, or a food pantry sponsored by one of the following that accepts, gleans, or distributes food donated under this chapter:
(a) an association of political subdivisions created under Title 11, Chapter 13, Interlocal Cooperation Act;
(b) a county; or
(c) a municipality as defined in Section 10-1-104.

(4) "Nonprofit charitable organization" means:
(a) an organization that is organized and is operating for charitable purposes and that meets the requirements of the Internal Revenue Service of the U.S. Department of Treasury that exempt the organization from income taxation under the Internal Revenue Code; or
(b) a government food pantry.
(5) "Wild game" means the same as that term is defined in Section 4-32-105.

Amended by Chapter 53, 2022 General Session
Renumbered and Amended by Chapter 345, 2017 General Session

4-34-103 Donation to charitable organization authorized.

Any person engaged in the business of producing, processing, selling, or distributing any agricultural product may donate, free of charge, any such product which is in a fit condition for use as food for human consumption to a nonprofit charitable organization within the state of Utah.

Renumbered and Amended by Chapter 345, 2017 General Session

4-34-104 County surplus food collection and distribution system.

(1) To accomplish the purposes of Section 4-34-103, any county may establish and publicize the availability of a surplus food collection and distribution system and may provide information to donee organizations concerning the availability of agricultural products and to donors concerning organizations that desire or need donated agricultural products.
(2) Any nonprofit charitable organization needing agricultural products on a regular basis may be listed with the county for the purpose of receiving notice that the products are available.

Renumbered and Amended by Chapter 345, 2017 General Session

4-34-105 Inspection of donated food.

The county may provide for the inspection of donated agricultural products by the county health officer upon the request of the donee nonprofit charitable organization to determine whether the products are fit for human consumption.

Renumbered and Amended by Chapter 345, 2017 General Session

4-34-106 Limitation of liability of donor, nonprofit charitable organization, and county.

In addition to Section 78B-4-502, except in the event of an injury resulting from gross negligence, recklessness, or intentional conduct, the following are not liable for damages in a civil action or subject to prosecution in a criminal proceeding for injury that occurs as a result of an act or the omission of an act, including injury resulting from ingesting the donated agricultural product or meat from wild game:
(1) a county or an agency of a county that participates in good faith in a food donation program;
(2) a donor of an agricultural product who participates in good faith in a food donation program;
(3) a donor of wild game meat, including a custom meat processor, who complies with Section 4-34-108 and participates in good faith in a food donation program; or
(4) a nonprofit charitable organization receiving, accepting, gleaning, or distributing an agricultural product or meat from wild game donated under this chapter in good faith to the nonprofit charitable organization.

Amended by Chapter 53, 2022 General Session
Renumbered and Amended by Chapter 345, 2017 General Session

4-34-107 Sale or use of donations by employee of public agency or charity prohibited.

An employee of a nonprofit charitable organization or of a public agency may not sell, offer for sale, use, or consume any agricultural product donated or distributed under this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-34-108 Donation of wild game meat.

(1) As used in this section:
(a) "Big game" means the same as that term is defined in Section 23A-1-101.
(b) "Custom meat processor" means a person who processes meat but is exempt from licensure under Section 4-32-106 as a licensed meat establishment.
(c) "Department" means the Department of Agriculture and Food.
(2) Wild game, including big game, lawfully taken by a licensed hunter may be donated to a nonprofit charitable organization to feed individuals in need.
(3) Donated wild game meat shall meet the following conditions:
(a) come from an animal in apparent good health before harvest of the animal;
(b) come from an animal with intact intestines;
(c) be field-dressed immediately after harvest of the animal and be handled in a manner in keeping with generally accepted wild game handling procedures;
(d) be processed by a custom meat processor as soon as possible after harvest of the animal;
(e) be clearly marked as "not for sale";
(f) be clearly marked as "donated wild game meat" in letters not less than three-eighths of an inch in height; and
(g) may not come from a road-kill animal and a road-kill animal may not be donated under this section.
(4)
(a) A donor or custom meat processor of the wild game meat being donated shall advise the nonprofit charitable organization receiving the donated wild game meat that the donated wild game meat should be thoroughly cooked before human consumption.
(b) Before serving donated wild game meat, the nonprofit charitable organization shall prominently post a sign indicating:
(i) that the donated wild game meat is donated wild game meat;
(ii) the type of meat processing used; and
(iii) that the meat has not been inspected.
(5) The Department of Natural Resources may donate wild game meat in the Department of Natural Resources' possession if this section is followed.
(6) A person may not buy, sell, or offer for sale or barter donated wild game meat.
(7) The department may examine, sample, seize, or condemn donated wild game meat if the department has reason to believe that the donated wild game meat is unwholesome under Chapter 5, Utah Wholesome Food Act.

Amended by Chapter 34, 2023 General Session

Chapter 35
Plant Pest Emergency Control Act

4-35-101 Title.

This chapter is known as the "Plant Pest Emergency Control Act."

Amended by Chapter 326, 2020 General Session

4-35-102 Definitions.

As used in this chapter:

(1) "Department" means the Department of Agriculture and Food.

(2) "Fund" means the Plant Pest Fund created by Section 4-35-106.

(3) "Plant pest" means a biological agent that the commissioner determines to be a threat to agriculture in the state as described in Subsection 4-2-103(1)(k)(i).

Amended by Chapter 507, 2024 General Session

4-35-104 Commissioner to declare emergency -- Powers of commissioner in emergency.

(1)

(a) The commissioner, with the consent of the governor, may declare that a plant pest emergency situation exists that jeopardizes property and resources, and designate the area or areas affected.

(b) An area referred to in Subsection (1)(a) may include federal lands, after notification of the appropriate federal land manager.

(2) The commissioner is authorized, subject to Section 4-35-105, to direct all emergency measures the commissioner considers necessary to alleviate the emergency condition.

(3) The commissioner shall:

(a) use equipment, supplies, facilities, personnel, and other available resources;

(b) enter into contracts for the acquisition, rental, or hire of equipment, services, materials, and supplies;

(c) accept assistance, services, and facilities offered by federal and local governmental units or private agencies; and

(d) accept on behalf of the state the provisions and benefits of acts of Congress designated to provide assistance.

Amended by Chapter 326, 2020 General Session

4-35-105 Commissioner to act upon declaration of a plant pest emergency.

(1) The commissioner initiates operations to control a plant pest in the designated area or upon declaration of an infestation emergency.

(2) The commissioner may suspend or terminate control operations upon a determination that the operations will not significantly reduce the plant pest population in the designated emergency area.

Amended by Chapter 507, 2024 General Session

4-35-106 Plant Pest Fund.

(1) There is created an expendable special revenue fund known as the "Plant Pest Fund."
(2) The fund is funded from:
  (a) money the plant industry division within the department receives under this title;
  (b) the landowner's and lessee's share of costs, if required by rule made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  (c) appropriations from the Legislature;
  (d) federal money deposited into the fund; and
  (e) the interest and earnings on the fund.
(3) The department may only use money in the fund to fund survey, detection, eradication, or suppression efforts for plant pests with the exception designated in Subsection (4).
(4) The department may annually use an amount not to exceed the lesser of the following for staff or administrative costs to carry out the department's duties under this chapter:
  (a) 10% of the fund annually; or
  (b) $300,000.
(5)
  (a) The fund may not exceed $10,000,000 of money deposited under Subsections (2)(a), (c), and (e).
  (b) The Division of Finance shall transfer the money described in Subsection (5)(a) in excess of $10,000,000 at the end of a fiscal year into the General Fund.
(6) Federal money deposited into the fund shall be accounted for separately.
(7) Fund money may be used as matching funds for participation in programs of the United States Department of Agriculture for survey, detection, eradication, or suppression efforts of plant pests.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 326, 2020 General Session

4-35-107 Notice to owner or occupant -- Corrective action required -- Directive issued by department -- Costs -- Owner or occupant may prohibit treatment.
(1) The department or an authorized agent of the department shall notify the owner or occupant of the problem and the available alternatives to remedy the problem. The owner or occupant shall take corrective action within 30 days.
(2)
  (a) If the owner or occupant fails to take corrective action under Subsection (1), the department may issue a directive for corrective action that shall be taken within 15 days.
  (b) If the owner or occupant fails to act within the required time, the department shall take the necessary action.
  (c) The department may recover full or partial costs incurred for controlling a plant pest emergency from the owner or occupant of the property on whose property corrective action was taken. The amount of costs to be recovered is at the department's sole discretion.
(3)
  (a) An owner or occupant of property may prohibit treatment by presenting an affidavit from the owner's or occupant's attending physician or physician assistant to the department that states that the treatment as planned is a danger to the owner's or occupant's health.
  (b) The department shall provide the owner or occupant with alternatives to treatment that will abate the plant pest.

Amended by Chapter 326, 2020 General Session

4-35-108 Persons and activities exempt from civil liability.

No state agency or state agency officers and employees nor the officers, agents, employees, or representatives of any governmental or private entity acting under the authority granted by this chapter is liable for claims arising out of the reasonable exercise or performance of duties and responsibilities under this chapter.

Renumbered and Amended by Chapter 345, 2017 General Session

4-35-109 Department to adopt rules.

The department is authorized to adopt and enforce rules to administer this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act .

Renumbered and Amended by Chapter 345, 2017 General Session

Chapter 37
Aquaculture Act

Part 1
General Provisions

4-37-101 Title.

This chapter is known as the "Aquaculture Act."

Enacted by Chapter 153, 1994 General Session

4-37-102 Purpose statement -- Aquaculture considered a branch of agriculture.

(1) The Legislature declares that it is in the interest of the people of the state to encourage the practice of aquaculture, while protecting the public fishery resource, in order to augment food production, expand employment, promote economic development, and protect and better utilize the land and water resources of the state.

(2) The Legislature further declares that aquaculture is considered a branch of the agricultural industry of the state for purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agricultural industry within the state.

Amended by Chapter 378, 2010 General Session

4-37-103 Definitions.

As used in this chapter:

(1) "Aquaculture" means the controlled cultivation of aquatic animals.

(2)

(a)

(i) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture.

(ii) "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.

(b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.

(3)

(a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean, or amphibian.

(b) "Aquatic animal" includes a gamete of any species listed in Subsection (3)(a).

(4) "Fee fishing facility" means a body of water used for holding or rearing fish for the purpose of providing fishing for a fee or for pecuniary consideration or advantage.

(5) "Natural flowing stream" means the same as that term is defined in Section 23A-1-101.

(6) "Natural lake" means the same as that term is defined in Section 23A-1-101.

(7) "Private fish pond" means the same as that term is defined in Section 23A-1-101.

(8) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the Division of Wildlife Resources, U.S. Fish and Wildlife Service, a mosquito abatement district, or an institution of higher education.

(9) "Public fishery resource" means fish produced in public aquaculture facilities and wild and free ranging populations of fish in the surface waters of the state.

(10) "Reservoir constructed on a natural stream channel" means the same as that term is defined in Section 23A-1-101.

(11) "Short-term fishing event" means the same as that term is defined in Section 23A-1-101.

Amended by Chapter 34, 2023 General Session

4-37-104 Department's responsibilities.

(1) The department is responsible for enforcing laws and rules made by the Wildlife Board governing species of aquatic animals that may be imported into the state or possessed or transported within the state that are applicable to aquaculture or fee fishing facilities.

(2) Subject to the policies and rules of the Fish Health Policy Board, the department shall:

(a) act to prevent the outbreak and act to control the spread of disease-causing pathogens among aquatic animals in aquaculture and fee fishing facilities; and

(b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from aquaculture or fee fishing facilities to wild aquatic animals, other animals, and humans.

Amended by Chapter 295, 2021 General Session

4-37-105 Responsibilities of Wildlife Board and Division of Wildlife Resources.

(1) The Wildlife Board and Division of Wildlife Resources are responsible for determining the species of aquatic animals which may be imported into, possessed, and transported within the state.

(2) Subject to the policies and rules of the Fish Health Policy Board, the Wildlife Board and the Division of Wildlife Resources shall:

(a) act to prevent the outbreak and act to control the spread of disease-causing pathogens among aquatic animals in public aquaculture facilities; and

(b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to be deposited in, or harvested from public aquaculture facilities and private ponds to wild aquatic animals, other animals, and humans.

Amended by Chapter 412, 2017 General Session

4-37-106 Cooperative agreements.

In fulfilling their respective responsibilities under this chapter, the department, Division of Wildlife Resources, and Wildlife Board may make memorandums of understanding or enter into other agreements for mutual cooperation.

Enacted by Chapter 153, 1994 General Session

4-37-108 Prohibited activities.

(1) Except as provided in this chapter, in the rules of the department made pursuant to Section 4-37-109, rules of the Fish Health Policy Board made pursuant to Section 4-37-503, or in the rules of the Wildlife Board governing species of aquatic animals which may be imported into, possessed, transported, or released within the state, a person may not:
  (a) acquire, import, or possess aquatic animals intended for use in an aquaculture or fee fishing facility;
  (b) transport aquatic animals to or from an aquaculture or fee fishing facility;
  (c) stock or propagate aquatic animals in an aquaculture or fee fishing facility;
  (d) harvest, transfer, or sell aquatic animals from an aquaculture or fee fishing facility; or
  (e) release aquatic animals into the waters of the state.
(2) If a person commits an act in violation of Subsection (1) and that same act constitutes wanton destruction of protected wildlife as provided in Section 23A-5-311, the person is guilty of a violation of Section 23A-5-311.

Amended by Chapter 34, 2023 General Session

4-37-109 Department to make rules.

(1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
  (a) specifying procedures for the application and renewal of licenses for operating an aquaculture or fee fishing facility; and
  (b) governing the disposal or removal of aquatic animals from an aquaculture or fee fishing facility for which the license has lapsed or been revoked.
(2)
  (a) The department may make other rules consistent with its responsibilities set forth in Section 4-37-104.
  (b) Except as provided by this chapter, the rules authorized by Subsection (2)(a) shall be consistent with the suggested procedures for the detection and identification of pathogens published by the American Fisheries Society's Fish Health Section.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 154, 2020 General Session

4-37-110 Inspection of records and facilities.

(1) The following records and information shall be maintained by an aquaculture or fee fishing facility for a period of two years and shall be available for inspection by a department representative during reasonable hours:
  (a) records of purchase, acquisition, distribution, and production histories of aquatic animals;
  (b) a license; and

(c) valid identification of stocks, including origin of stocks.
(2) Department representatives may conduct pathological, fish culture, or physical investigations at any aquaculture, public aquaculture, or fee fishing facility during reasonable hours.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 378, 2010 General Session

4-37-111 Prohibited sites.
(1) Except as provided in Subsection (2), an aquaculture facility or a fee fishing facility may not be developed on:
(a) a natural lake;
(b) a natural flowing stream; or
(c) a reservoir constructed on a natural stream channel.
(2) The Division of Wildlife Resources may authorize an aquaculture facility, public aquaculture facility, or fee fishing facility on a natural lake or reservoir constructed on a natural stream channel upon inspecting and determining:
(a) the facility and inlet source of the facility neither contain wild game fish nor are likely to support such species in the future;
(b) the facility and the facility's intended use will not jeopardize conservation of aquatic wildlife or lead to the privatization or commercialization of aquatic wildlife;
(c) the facility is properly screened as provided in Subsection 23A-9-203(3)(c) and otherwise in compliance with the requirements of this title, rules of the Wildlife Board, and applicable law; and
(d) the facility is not vulnerable to flood or high water events capable of compromising the facility's inlet or outlet screens and allowing escapement of privately owned fish into waters of the state.
(3) Any authorization issued by the Division of Wildlife Resources under Subsection (2) shall be in the form of a certificate of registration.

Amended by Chapter 34, 2023 General Session

4-37-112 Screens.
(1) Each aquaculture and fee fishing facility shall be equipped with screening or another device to prevent the movement of fish into or out of the facility.
(2) The department may conduct site inspections to assure compliance with Subsection (1).

Enacted by Chapter 153, 1994 General Session

Part 2
Aquaculture Facilities

4-37-201 License required to operate an aquaculture facility.
(1) A person may not operate an aquaculture facility without first obtaining a license from the department.
(2)

(a) Each application for a license to operate an aquaculture facility shall be accompanied by a fee.
(b) The fee shall be established by the department in accordance with Section 63J-1-504.
(3) The department shall coordinate with the Division of Wildlife Resources:
(a) on the suitability of the proposed site relative to potential impacts on adjacent wild aquatic animal populations; and
(b) in determining which species the holder of the license may propagate, possess, transport, or sell.
(4) The department shall list on the license the species which the holder may propagate, possess, transport, or sell.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 412, 2017 General Session

4-37-202 Acquisition of aquatic animals for use in aquaculture facilities.
(1) Live aquatic animals intended for use in aquaculture facilities may be purchased or acquired only from:
(a) aquaculture facilities within the state that have a license and health approval number;
(b) public aquaculture facilities within the state that have a health approval number; or
(c) sources outside the state that are health approved as provided in Part 5, Health Approval.
(2) A person holding a license for an aquaculture facility shall submit annually to the department a record of each purchase of live aquatic animals and transfer of live aquatic animals into the facility. This record shall include the following information:
(a) name, address, and health approval number of the source;
(b) date of transaction; and
(c) number and weight by species.
(3) The records required by Subsection (2) shall be submitted to the department before a license is renewed or a subsequent license is issued.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 189, 2014 General Session

4-37-203 Transportation of aquatic animals to or from aquaculture facilities.
(1) Any person holding a license for an aquaculture facility may transport the live aquatic animals specified on the license to the facility or to any person who has been issued a license or who is otherwise authorized by law to possess those aquatic animals.
(2) Each transfer or shipment of live aquatic animals from or to an aquaculture facility within the state shall be accompanied by documentation of the source and destination of the fish, including:
(a) name, address, license number, and health approval number of the source;
(b) number and weight being shipped, by species;
(c) name of the recipient;
(d) address of the destination; and
(e)
(i) license number of the receiving facility; or
(ii) location of the private fish pond or short-term fishing event when authorized to receive the aquatic animal without a certificate of registration under Division of Wildlife Resources rules.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 412, 2017 General Session

4-37-204 Sale of aquatic animals from aquaculture facilities.

(1)
(a) Except as provided by Subsection (1)(c) and subject to Subsection (1)(b), a person holding a license for an aquaculture facility may take an aquatic animal as approved on the license from the facility at any time and offer the aquatic animal for sale.
(b) A live aquatic animal may be sold within Utah only to a person who:
(i) has been issued a license to possess the aquatic animal; or
(ii) is eligible to receive the aquatic animal without a certificate of registration under Wildlife Board rules.
(c) A person who owns or operates an aquaculture facility may sell live aquatic animals if the person:
(i) obtains a health approval number for the aquaculture facility;
(ii) inspects the pond or holding facility to verify that the pond or facility is in compliance with Subsections 23A-9-203(2) and (3)(c); and
(iii) stocks the species and reproductive capability of aquatic animals authorized by the Wildlife Board in accordance with Section 23A-9-203 for stocking in the area where the pond or holding facility is located.
(2) An aquatic animal sold or transferred by the owner or operator of an aquaculture facility shall be accompanied by the seller's receipt that contains the following information:
(a) date of transaction;
(b) name, address, license number, and health approval number;
(c) number and weight of aquatic animal by:
(i) species; and
(ii) reproductive capability; and
(d) name and address of the receiver.
(3)
(a) A person holding a license for an aquaculture facility shall submit to the department an annual report of each sale of live aquatic animals or each transfer of live aquatic animals in Utah. The department shall forward the report to the Division of Wildlife Resources. The department or Division of Wildlife Resources may request copies of receipts from an aquaculture facility.
(b) The report shall contain the following information:
(i) name, address, and license number of the seller or supplier;
(ii) number and weight of aquatic animals by species and reproductive capacity;
(iii) date of sale or transfer; and
(iv) name, address, phone number, and license number of the receiver.
(4) Geographic coordinates of the stocking location shall be provided if the receiver is eligible to stock the aquatic animal without a certificate of registration under Wildlife Board rules.
(5) A report required by Subsection (3) shall be submitted before:
(a) a license is renewed or a subsequent license is issued; or
(b) a health approval number is issued.

Amended by Chapter 34, 2023 General Session

Part 3
Fee Fishing Facilities

4-37-301 License required to operate a fee fishing facility.

(1) A person may not operate a fee fishing facility without first obtaining a license from the department.

(2)

(a) Each application for a license to operate a fee fishing facility shall be accompanied by a fee.

(b) The fee shall be established by the department in accordance with Section 63J-1-504.

(3) The department shall coordinate with the Division of Wildlife Resources:

(a) on the suitability of the proposed site relative to potential impacts on adjacent wild aquatic animal populations; and

(b) in determining which species the holder of the license may possess or transport to or stock into the facility.

(4) The department shall list on the license the species which the holder may possess or transport to or stock into the facility.

(5) A person holding a license for an aquaculture facility may also operate a fee fishing facility without obtaining an additional license, if the fee fishing facility:

(a) is in a body of water meeting the criteria of Section 4-37-111 which is connected with the aquaculture facility;

(b) contains only those aquatic animals specified on the license for the aquaculture facility; and

(c) is designated on the license for the aquaculture facility.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 412, 2017 General Session

4-37-302 Acquisition of aquatic animals for use in fee fishing facilities.

(1) Live aquatic animals intended for use in fee fishing facilities may be purchased or acquired only from:

(a) aquaculture facilities within the state that have a license and health approval number;

(b) public aquaculture facilities within the state that have a health approval number; or

(c) sources outside the state that are health approved pursuant to Part 5, Health Approval.

(2)

(a) A person holding a license for a fee fishing facility shall submit to the department an annual report of all live fish purchased or acquired.

(b) The report shall contain the following information:

(i) name, address, and license number of the seller or supplier;

(ii) number and weight by species;

(iii) date of purchase or transfer; and

(iv) name, address, and license number of the receiver.

(c) The report shall be submitted to the department before a license is renewed or a subsequent license is issued.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 189, 2014 General Session

4-37-303 Transportation of live aquatic animals to fee fishing facilities.

(1) Any person holding a license for a fee fishing facility may transport the live aquatic animals specified on the license to the facility.
(2) Each transfer or shipment of live aquatic animals to a fee fishing facility within the state shall be accompanied by documentation of the source and destination of the fish, including:
(a) name, address, license number, and health approval number of the source;
(b) number and weight being shipped by species; and
(c) name, address, and license number of the destination.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 378, 2010 General Session

4-37-304 Sale or transfer of live aquatic animals from fee fishing facilities prohibited.
Live aquatic animals may not be sold or transferred from fee fishing facilities.

Enacted by Chapter 153, 1994 General Session

4-37-305 Fishing license not required to fish at fee fishing facilities -- Transportation of dead fish.
(1) A fishing license is not required to take fish from fee fishing facilities.
(2) To transport dead fish from fee fishing facilities the fish shall be accompanied by the seller's receipt containing the following information:
(a) species and number of fish;
(b) date caught;
(c) license number of the fee fishing facility; and
(d) name, address, and telephone number of the seller.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 378, 2010 General Session

Part 4
Importation of Aquatic Animals

4-37-401 License required to import aquatic animals for aquaculture or fee fishing facilities.
(1) A person may not import aquatic animals classified as controlled species by rules of the Wildlife Board into the state for use in aquaculture or fee fishing facilities without first obtaining a license from the department.
(2) The department shall:
(a) coordinate with the Division of Wildlife Resources in determining which species the holder may import into the state; and
(b) specify those species on the license.
(3) A person may not import species into the state that are not listed on the license.

Amended by Chapter 79, 2022 General Session
Enacted by Chapter 153, 1994 General Session

4-37-402 Documentation required to import aquatic animals.

Any aquatic animals classified as controlled species by rules of the Wildlife Board that are imported into the state for use in aquaculture or fee fishing facilities shall be accompanied by documentation indicating the following:
(1) the health approval number assigned by the department to the source facility;
(2) common or scientific names of the imported animals;
(3) name and address of the consignor and consignee;
(4) origin of shipment;
(5) final destination;
(6) number or pounds shipped;
(7) purpose for which shipped;
(8) method of transportation; and
(9) any other information required by the department.

Amended by Chapter 378, 2010 General Session

Part 5
Health Approval

4-37-501 Health approval -- Exceptions.

(1)
(a) Except as provided in Subsections (2) and (3), live aquatic animals may be acquired, purchased, sold, or transferred only from sources that have been health approved by the department or the Division of Wildlife Resources in accordance with policy and rules of the Fish Health Policy Board and assigned a health approval number.
(b)
(i) The department shall be responsible for certifying as health approved:
(A) aquaculture facilities;
(B) fee fishing facilities; and
(C) any out-of-state source.
(ii) The Division of Wildlife Resources shall be responsible for certifying as health approved:
(A) public aquaculture facilities within the state;
(B) private ponds within the state; and
(C) wild populations of aquatic animals in waters of the state.
(2)
(a) The Division of Wildlife Resources shall waive the health approval requirement for wild populations of aquatic animals pursuant to guidelines of the Fish Health Policy Board.
(b) The Fish Health Policy Board shall develop guidelines for waiving the health approval requirement for wild populations of aquatic animals which:
(i) are listed by the federal government as threatened or endangered;
(ii) are listed by the Division of Wildlife Resources as species of special concern; or
(iii) exist in such low numbers that lethal sampling for health approval could threaten the population.
(c) When wild populations of aquatic animals are exempted from the health approval requirement, precautions shall be taken to protect other wild populations and any other aquatic animals from undetected pathogens.

(3) Subsection (1) does not apply to the sale or transfer of live aquatic animals to an out-of-state destination approved by the receiving state.
(4) In certifying a public aquaculture facility as health approved, the Division of Wildlife Resources may use:
(a) employees or contractors to conduct the inspection required by Section 4-37-502; and
(b) sampling or testing procedures that are more thorough or sensitive in detecting prohibited pathogens than the procedures required by rule.

Amended by Chapter 191, 2007 General Session

4-37-502 Inspections -- Health approval report -- Report for quarantine facility -- Qualifications of inspectors -- Notification of department.
(1) Approval shall be based upon inspections carried out in accordance with standards and rules of the Fish Health Policy Board made pursuant to Section 4-37-503.
(2)
(a) An inspection shall be conducted under the direction of an individual certified by the American Fisheries Society as an aquatic animal health inspector or fish pathologist. A sample may be collected by a federally accredited veterinarian, a state or federal animal health official, or an American Fisheries Society certified aquatic animal health inspector or fish pathologist.
(b) An inspection of an aquaculture facility may not be done by an inspector who is employed by, or has pecuniary interest in, the facility being inspected.
(c) The department shall post on its website a current list of:
(i) certified fish health inspectors; and
(ii) approved laboratories to which a fish health inspector may send the samples collected during the inspections required by this section.
(d)
(i) If the fish health inspector conducting the inspection is not an employee of the department, the owner or operator of the aquaculture facility shall notify the department of the date and time of the inspection at least five business days before the date on which the inspection will occur.
(ii) The department may be present for the inspection.
(3) To receive a health approval number, inspection reports and other evidence of the disease status of a source facility shall be submitted to the agency responsible for certifying the source as health approved pursuant to Section 4-37-501.

Amended by Chapter 295, 2021 General Session

4-37-503 Fish Health Policy Board.
(1) There is created within the department the Fish Health Policy Board that shall establish policies designed to prevent the outbreak of, control the spread of, and eradicate pathogens that cause disease in aquatic animals.
(2) The Fish Health Policy Board shall:
(a) in accordance with Subsection (6)(b), determine procedures and requirements for certifying a source of aquatic animals as health approved, including:
(i) the pathogens for which inspection is required to receive health approval;
(ii) the pathogens that may not be present to receive health approval; and
(iii) standards and procedures required for the inspection of aquatic animals;

(b) establish procedures for the timely reporting of the presence of a pathogen and disease threat;
(c) create policies and procedures for, and appoint, an emergency response team to:
(i) investigate a serious disease threat;
(ii) develop and monitor a plan of action; and
(iii) report to:
(A) the commissioner of agriculture and food;
(B) the director of the Division of Wildlife Resources; and
(C) the chair of the Fish Health Policy Board; and
(d) develop a unified statewide aquaculture disease control plan.
(3) The Fish Health Policy Board shall advise the commissioner of agriculture and food and the executive director of the Department of Natural Resources regarding:
(a) educational programs and information systems to educate and inform the public about practices that the public may employ to prevent the spread of disease; and
(b) communication and interaction between the department and the Division of Wildlife Resources regarding fish health policies and procedures.
(4)
(a)
(i) The governor shall appoint the following seven members to the Fish Health Policy Board:
(A) one member from names submitted by the Department of Natural Resources;
(B) one member from names submitted by the Department of Agriculture and Food;
(C) one member from names submitted by a nonprofit corporation that promotes sport fishing;
(D) one member from names submitted by a nonprofit corporation that promotes the aquaculture industry;
(E) one member from names submitted by the Department of Natural Resources and the Department of Agriculture and Food;
(F) one member from names submitted by a nonprofit corporation that promotes sport fishing; and
(G) one member from names submitted by a nonprofit corporation that promotes the aquaculture industry.
(ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:
(A)
(I) faculty members of an institution of higher education; or
(II) qualified professionals; and
(B) have education and knowledge in:
(I) fish pathology;
(II) business;
(III) ecology; or
(IV) parasitology.
(iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall have education and knowledge about fish pathology.
(iv)
(A) A nominating person shall submit at least three names to the governor.
(B) If the governor rejects all the names submitted for a member, the recommending person shall submit additional names.
(b) Except as required by Subsection (4)(c), the term of office of board members shall be four years.

(c) Notwithstanding the requirements of Subsection (4)(b), 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.
(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
(e) The board members shall elect a chair of the board from the board's membership.
(f) The board shall meet upon the call of the chair or a majority of the board members.
(g) An action of the board shall be adopted upon approval of the majority of voting members.
(5) 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.
(6)
(a) The board shall make rules consistent with its responsibilities and duties specified in this section.
(b) Except as provided by this chapter, rules adopted by the Fish Health Policy Board may be consistent with the suggested procedures for the detection and identification of pathogens published by the American Fisheries Society's Fish Health Section or the World Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.
(c)
(i) Rules of the department and Fish Health Policy Board pertaining to the control of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace those provisions.
(ii) The Fish Health Policy Board may promptly amend rules that are inconsistent with the current suggested procedures published by the American Fisheries Society or the World Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.
(d) The Fish Health Policy Board may waive a requirement established by the Fish Health Policy Board's rules if:
(i) the rule specifies the waiver criteria and procedures; and
(ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal populations.

Amended by Chapter 295, 2021 General Session

Part 6
Enforcement and Penalties

4-37-601 Enforcement and penalties.

(1) Any violation of this chapter is a class B misdemeanor and may be grounds for revocation of the license or denial of any future license as determined by the department.
(2) A violation of any rule made under this chapter may be grounds for revocation of the license or denial for future license as determined by the department.

Amended by Chapter 79, 2022 General Session
Enacted by Chapter 153, 1994 General Session

4-37-602 Adjudicative proceedings -- Presiding officer.

(1) Adjudicative proceedings under this chapter shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(2) The revocation of an aquaculture facility's license, the denial of an aquaculture facility's future license, and a denial or cancellation of an aquaculture facility's health approval number is a state agency action governed by Title 63G, Chapter 4, Administrative Procedures Act.

(3)

(a) An owner or operator of an aquaculture facility may ask for an agency review, as provided by Section 63G-4-301, of an agency action specified in Subsection (2).

(b) The presiding officer, as defined in Section 63G-4-103, conducting the agency review shall consist of three members as follows:

(i) the person representing sport fishermen, appointed under Subsection 4-37-503(4)(a)(i)(C);

(ii) one person representing the aquaculture industry, appointed by the governor from names submitted by a nonprofit corporation, as defined in Section 16-6a-102, that promotes the efficient production, distribution, and marketing of aquaculture products and the welfare of all persons engaged in aquaculture; and

(iii) one person, appointed by the governor, who is knowledgeable about aquatic diseases and is employed by an institution of higher education.

(c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the recommending nonprofit corporation shall submit additional names.

(d) The final decision of the presiding officer shall be adopted upon approval of at least two of the members.

(e) The term for the member listed in Subsection (3)(b)(i) shall be the same as provided in Section 4-37-503.

(f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be four years.

(4) 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.

Amended by Chapter 79, 2022 General Session
Amended by Chapter 286, 2010 General Session

Chapter 38
Utah Horse Regulation Act

Part 1
General Provisions

4-38-101 Title.

This chapter is known as the "Utah Horse Regulation Act."

Renumbered and Amended by Chapter 345, 2017 General Session

4-38-102 Definitions.

As used in this chapter:

(1) "Commission" means the Utah Horse Racing Commission created by this chapter.

(2) "Executive director" means the executive director of the commission.

(3) "Mixed meet" means a race meet that includes races by more than one breed of horse.

(4) "Race meet" means the entire period of time for which a licensee has been approved to hold horse races.

(5) "Racetrack facility" means a racetrack within Utah approved by the commission for the racing of horses, including the track surface, grandstands, clubhouse, all animal housing and handling areas, and other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials.

(6) "Recognized race meet" means a race meet recognized by a national horse breed association.

(7) "Utah bred horse" means a horse that is sired by a stallion standing in Utah at the time the dam was bred.

Amended by Chapter 239, 2019 General Session

4-38-103 Utah Horse Racing Commission.

(1)

(a) There is created within the department the Utah Horse Racing Commission.

(b)

(i) The commission shall consist of seven members who shall be United States citizens, Utah residents, and qualified voters in Utah.

(ii) Each member shall have an interest in horse racing.

(iii) Two members shall be chosen from horse racing organizations.

(c)

(i) The governor shall appoint the members of the commission.

(ii) The governor shall appoint commission members from a list of nominees submitted by the commissioner of agriculture and food.

(d)

(i) The members of the commission shall be appointed to four-year terms.

(ii) A commission member may not serve more than two consecutive terms.

(e) Each member shall hold office until the member's successor is appointed and qualified.

(f) Vacancies on the commission shall be filled by appointment by the governor for the unexpired term.

(g)

(i) A member may be removed from office by the governor for cause after a public hearing.

(ii) Notice of the hearing shall fix the time and place of the hearing and shall specify the charges.

(iii) Copies of the notice of the hearing shall be served on the member by mailing the notice of hearing to the member at the member's last known address at least 10 days before the date fixed for the hearing.

(iv) The governor may designate a hearing officer to preside over the hearing and report the hearing findings to the governor.

(2)

(a) The members of the commission shall annually elect a commission chair.

(b) Five members of the commission shall constitute a quorum for the transaction of any business of the commission.

(3) 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.
(4) All claims and expenditures made under this chapter shall be first audited and passed by the commission and when approved shall be paid in the manner provided by law for payment of claims against the state.
(5) Any member of the commission who has a personal or private interest in any matter proposed or pending before the commission shall publicly disclose this fact to the commission and may not vote on the matter.
(6) Any member of the commission who owns or who has any interest, or whose spouse or member of his immediate family has any interest, in a horse participating in a race shall disclose that interest and may not participate in any commission decision involving that race.

Renumbered and Amended by Chapter 345, 2017 General Session

4-38-104 Powers and duties of commission.
(1) The commission shall:
(a) license, regulate, and supervise the persons involved in the racing of horses as provided in this chapter;
(b) license, regulate, and supervise the recognized race meets held in this state under the terms of this chapter;
(c) cause the various places where recognized race meets are held to be visited and inspected at least once a year;
(d) assist in procuring public liability insurance coverage from a private insurance company for those licensees unable to otherwise obtain the insurance required under this chapter;
(e) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to govern race meets, including rules:
(i) to resolve scheduling conflicts and settle disputes among licensees;
(ii) to supervise, discipline, suspend, fine, and bar from events a person required to be licensed by this chapter;
(iii) to exclude a horse from a racetrack facility in this state, or prohibit a horse from participating in a horse race or race meet; and
(iv) to hold, conduct, and operate all recognized race meets conducted pursuant to this chapter;
(f) determine which persons participating, directly or indirectly, in recognized race meets require licenses;
(g) announce the time, place, and duration of a recognized race meet for which a license is required; and
(h) establish reasonable fees for all licenses provided for under this chapter.
(2) The commission may:
(a) grant, suspend, or revoke licenses issued under this chapter;
(b) impose fines as provided in this chapter;
(c) access criminal history record information for the licensees and commission or contracted employees;
(d) exclude from any racetrack facility in this state a person, including an owner, who:
(i) the commission considers detrimental to the best interests of racing; or
(ii) violates this chapter or any rule or order of the commission; and

(e) exclude from a racetrack facility in this state, or prohibit from participating in a horse race or race meet, a horse that is owned, in full or part by a person:
(i) who the commission considers detrimental to the best interests of racing; or
(ii) who violates this chapter or a rule or order of the commission.
(3)
(a) For purposes of Subsection (2)(e), ownership includes a horse for which an individual or entity has a beneficial or other interest, as defined by rule.
(b) The period of time a horse may be excluded or prohibited from racing under Subsection (2)(e) may not exceed one calendar year from the date of the initial oral or written ruling by the stewards.
(c) A change in ownership or beneficial interest in a horse excluded or prohibited from racing under Subsection (2)(e) does not affect the horse's exclusion from a racetrack or prohibition from racing unless otherwise determined by the commission.
(4) The commission may contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a person to issue a license required under Subsection (1)(a) or (b).

Amended by Chapter 239, 2019 General Session

4-38-105 Executive director.
(1) The commission shall be under the general administrative control of an executive director appointed by the commissioner with the concurrence of the commission.
(2) The executive director shall serve at the pleasure of the commissioner.

Renumbered and Amended by Chapter 345, 2017 General Session

4-38-106 Public records.
All records of the commission shall be subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 2
Events

4-38-201 Licenses -- Fees -- Duties of licensees.
(1) The commission may grant, or contract under Subsection 4-38-104(4) for the granting of a license, for participation in racing and other activities associated with a racetrack.
(2) The commission shall establish a schedule of fees for the application for and renewal and reinstatement of licenses issued under this chapter.
(3) A person holding a license under this chapter shall comply with this chapter and with the rules issued and the orders issued by the commission under this chapter.
(4) A person who holds a recognized race meet or who participates directly or indirectly in a recognized race meet without being first licensed as required under this chapter and any person violating this chapter is subject to penalties under Section 4-2-304.

Amended by Chapter 239, 2019 General Session

4-38-202 Stewards.

(1)

(a) The commission may delegate authority to enforce commission rules and this chapter to three stewards at each recognized race meet. At least one of the stewards shall be selected by the commission.

(b) For the purpose of enforcing this chapter and the rules and orders of the commission, a decision by the stewards shall be passed by a majority vote.

(c) Stewards shall exercise reasonable and necessary authority as designated by rules of the commission including the following:

(i) enforce rules of the commission;

(ii) rule on the outcome of events;

(iii) evict from an event any person who has been convicted of bookmaking, bribery, or attempts to alter the outcome of any race through tampering with any animal that is not in accordance with this chapter or the rules of the commission;

(iv) levy fines not to exceed $2,500 for violations of rules of the commission, which fines shall be reported daily and paid to the commission within 48 hours of imposition and notice;

(v) suspend licenses not to exceed one year for violations of rules of the commission, which suspension shall be reported to the commission daily;

(vi) recommend that the commission impose fines or suspensions greater than permitted by Subsections (1)(c)(iv) and (v); and

(vii) exclude a horse from a racetrack facility in this state, or prohibit a horse from participating in a horse race or race meet.

(2) If a majority of the stewards agree, they may impose fines or suspend licenses.

(3)

(a) A fine or license suspension imposed by a steward may be appealed in writing to the commission within five days after the fine or license suspension imposition. The commission may affirm or reverse the decision of a steward or may increase or decrease any fine or suspension.

(b) A fine imposed by the commission under this section or Section 4-38-301 may not exceed $5,000.

(c) Suspensions of a license may be for any period of time but shall be commensurate with the seriousness of the offense.

Amended by Chapter 239, 2019 General Session

4-38-203 Race meets -- Licenses -- Fairs.

(1) A person making application for a license to hold a race meet under this chapter shall file an application that sets forth the time, place, and number of days the race meet will continue, and other information the commission may require.

(2) A person who has been convicted of a crime involving moral turpitude may not be issued a license to hold a race meet.

(3)

(a) The license issued shall specify the kind and character of the race meet to be held, the number of days the race meet shall continue, and the number of races per day.

(b) The licensee shall pay in advance of the scheduled race meet to the commission a fee of not less than $25. If unforeseen obstacles arise that prevent the holding or completion of any race

meet, the license fee held may be refunded to the licensee if the commission considers the reason for failure to hold or complete the race meet sufficient.

(4)
(a) An unexpired license held by any person who violates this chapter, or fails to pay to the commission any fees required under this chapter, is subject to cancellation and revocation by the commission.
(b) This cancellation shall be made only after a summary hearing before the commission, of which seven days notice in writing shall be given the licensee, specifying the grounds for the proposed cancellation. At the hearing, the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

(5)
(a) A fair board or fair district that conducts a race meet in connection with a regularly scheduled annual fair is exempt from payment of the fees provided in this section, unless the fair board or fair district sponsors a race in which the speed indexes are officially recognized under breed requirements.
(b) A race meet in connection with a fair is limited to 14 race days, unless otherwise permitted by a unanimous vote of the commission.

(6) The exemption from the payment of fees under Subsection (5)(a) does not apply to a race meet qualifying for official speed index races.

Amended by Chapter 239, 2019 General Session

Part 3
Investigations and Prohibitions

4-38-301 Investigation -- License denial and suspension -- Grounds for revocation -- Fines.

(1) The commission or board of stewards of a recognized race meet, upon their own motion may, and upon verified complaint in writing of any person shall, investigate the activities of a licensee within the state or a licensed person upon the premises of a racetrack facility.
(2) The commission or board of stewards may fine, suspend a license, or deny an application for a license.
(3) A person with whom the commission contracts under Subsection 4-38-104(4) may deny an application for a license.
(4) The commission may revoke a license, if the licensee has committed any of the following violations:
(a) substantial or willful misrepresentation;
(b) disregard for or violation of this chapter or of a rule issued by the commission;
(c) conviction of a felony under the laws of this or any other state or of the United States, a true and correct copy of the judgment of the court of conviction of which shall be presumptive evidence of the conviction in any hearing held under this section;
(d) fraud, willful misrepresentation, or deceit in racing;
(e) falsification, misrepresentation, or omission of required information in a license application;
(f) failure to disclose to the commission a complete ownership or beneficial interest in a horse entered to be raced;
(g) misrepresentation or attempted misrepresentation in connection with the sale of a horse or other matter pertaining to racing or registration of racing animals;

(h) failure to comply with an order or ruling of the commission, the stewards, or a racing official pertaining to a racing matter;
(i) ownership of any interest in or participation by any manner in any bookmaking, pool-selling, touting, bet solicitation, or illegal enterprise;
(j) being unqualified by experience or competence to perform the activity permitted by the license possessed or being applied for;
(k) employment or harboring of any unlicensed person on the premises of a racetrack facility if a license is required by this chapter or rule;
(l) discontinuance of or ineligibility for the activity for which the license was issued;
(m) being currently under suspension or revocation of a racing license in another racing jurisdiction;
(n) possession on the premises of a racetrack facility of:
(i) firearms; or
(ii) a battery, buzzer, electrical device, or other appliance other than a whip which could be used to alter the speed of a horse in a race or while working out or schooling;
(o) possession, on the premises of a racetrack facility, by a person other than a licensed veterinarian of a hypodermic needle, hypodermic syringe, or other similar device that may be used in administering medicine internally in a horse, or any substance, compound items, or combination of any medicine, narcotic, stimulant, depressant, or anesthetic which could alter the normal performance of a horse unless:
(i) specifically authorized by a commission-approved veterinarian; or
(ii) as otherwise allowed by the stewards for the conditions of that horse race or race meet;
(p) cruelty to or neglect of a horse;
(q) offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of such act immediately to the stewards, the patrol judges, or the commission;
(r) causing, attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of such act immediately to the stewards, the patrol judges, or the commission;
(s) entering, or aiding and abetting the entry of, a horse ineligible or unqualified for the race entered;
(t) willfully or unjustifiably entering or racing any horse in any race under any name or designation other than the name or designation assigned to the animal by and registered with the official recognized registry for that breed of animal, or willfully setting on foot, instigating, engaging in, or in any way furthering any act by which any horse is entered or raced in any race under any name or designation other than the name or designation duly assigned by and registered with the official recognized registry for the breed of animal; or
(u) racing at a racetrack facility without having that horse registered to race at that racetrack facility.

(5)
(a) A person who fails to pay in a timely manner a fine imposed pursuant to this chapter shall pay, in addition to the fine due, a penalty amount equal to the fine.
(b) A person who submits to the commission a check in payment of a fine or license fee requirement imposed pursuant to this chapter, which is not honored by the financial institution upon which the check is drawn, shall pay, in addition to the fine or fee due, a penalty amount equal to the fine.

Amended by Chapter 239, 2019 General Session

4-38-302 Stimulation or retardation of animals prohibited -- Tests.

(1) Any person who uses or permits the use of any mechanical or electrical device, or drug of any kind, to stimulate or retard any animal in any race authorized by this chapter, except as prescribed by the commission, is guilty of a class A misdemeanor.

(2) A commission member or race steward may cause tests to be made that the commission considers proper to determine whether any animal has been stimulated or retarded. Tests performed in furtherance of this section shall be conducted by or under the supervision of a licensed Utah veterinarian.

Renumbered and Amended by Chapter 345, 2017 General Session

4-38-303 Bribery and touting prohibited.

Any person who gives or promises or attempts to give, or any person who receives or agrees to receive or attempts to receive, any money, bribe, or thing of value with intent to influence any person to dishonestly umpire, manage, direct, judge, preside, officiate at, or participate in any race conducted under this chapter with the intent or purpose that the result of the race will be affected or influenced thereby, is guilty of a felony of the third degree and subject to a fine of not more than $10,000.

Renumbered and Amended by Chapter 345, 2017 General Session

4-38-304 Gambling disclaimer.

Nothing in this chapter may be construed to legalize or permit any form of gambling.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 4
Finances

4-38-401 Race meet money.

(1) The commission shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to determine how all the added money and money from payment races shall be collected and disbursed.

(2) Payment deposits shall be made in a timely manner determined by the commission, and each licensee shall provide proof of deposits as required by the commission.

Amended by Chapter 239, 2019 General Session

4-38-402 Horse Racing Account created -- Contents -- Use of account money.

(1) There is created within the General Fund a restricted account known as the Horse Racing Account.

(2) The Horse Racing Account consists of:

(a) license fees collected under this chapter;

(b) revenue from fines imposed under this chapter; and

(c) interest on account money.

(3) Upon appropriation by the Legislature, money from the account shall be used for the administration of this chapter, including paying the costs of:
(a) public liability insurance;
(b) stewards;
(c) veterinarians; and
(d) drug testing.

Renumbered and Amended by Chapter 345, 2017 General Session

Part 5
Hearings

4-38-501 Hearings before commission -- Hearings before board of stewards -- Appeal -- Costs and attorney fees -- Rulemaking.

(1)
(a) Except as otherwise provided in this section, the commission or the commission's hearing officer shall conduct an informal adjudicative proceeding with respect to the denial, suspension, or revocation of a license or imposition of a fine in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
(b) A final order or ruling from the commission shall take effect immediately and remain effective unless stayed by a court.
(c) A person aggrieved by a final order or ruling issued by the commission may appeal the order or ruling to a court.
(d) A court shall award costs, fees, attorney fees, and court costs to the department if the commission prevails upon an appeal described in Subsection (1)(c).

(2)
(a) The commission shall hold an informal adjudicative proceeding in the county where the commission has an office or in a place the commission designates.
(b) The commission shall notify the applicant or licensee by mailing, by first class mail, a copy of the written notice required to the last address furnished by the application or licensee to the commission at least seven days in advance of the hearing.

(3) The commission may delegate the commission's authority to conduct hearings with respect to the denial or suspension of licenses or the imposition of a fine to a hearing officer.

(4)
(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules of procedure and evidence for a proceeding before the board of stewards.
(b) The board of stewards shall conduct a proceeding in accordance with rules adopted by the commission.

(5) The commission and the board of stewards may administer oaths and affirmations, sign and issue subpoenas, order the production of documents and other evidence, and regulate the course of the hearing in accordance with rules adopted by the commission.

(6)
(a) Any person aggrieved by a final order or ruling issued by a board of stewards may appeal the order or ruling to the commission in accordance with the procedural rules adopted by the commission.

(b) The aggrieved party may petition the commission for a stay of execution pending appeal to the commission.

Amended by Chapter 474, 2025 General Session

Chapter 39
Domesticated Elk Act

Part 1
General Provisions

4-39-101 Title.

This chapter is known as the "Domesticated Elk Act."

Enacted by Chapter 302, 1997 General Session

4-39-102 Definitions.

As used in this chapter:

(1)
(a) "Commingle" means maintaining animals in a manner in which physical contact among animals could occur.
(b) "Commingle" includes maintaining animals in the same pasture or enclosure.
(c) "Commingle" does not include holding animals:
(i) at a sale;
(ii) during transportation;
(iii) during artificial insemination; or
(iv) in other circumstances involving limited contact among animals for a short period of time.

(2) "Domesticated elk" means elk of the genus and species cervus elaphus, held in captivity and domestically raised for commercial purposes.

(3)
(a) "Domesticated elk facility" means a facility where only domesticated elk are raised.
(b) "Domesticated elk facility" includes an elk ranch.

(4) "Domesticated elk product" means any carcass, part of a carcass, hide, meat, meat food product, antlers, or any part of a domesticated elk.

(5) "Elk ranch" means a facility where domesticated elk are harvested through typical hunting methods.

(6) "Suspect domesticated elk" means a domesticated elk for which:
(a) the state veterinarian has determined that the following suggest that the domesticated elk may be infected with a disease spreading pathogen:
(i) unofficial test results;
(ii) laboratory evidence; or
(iii) clinical signs; and
(b) official laboratory results for a disease spreading pathogen:
(i) are inconclusive; or
(ii) have not been conducted.

Amended by Chapter 110, 2023 General Session

4-39-103 Department's responsibilities.

The department is responsible for enforcing laws and rules relating to:

(1) the importation, possession, or transportation of domesticated elk into the state or within the state;

(2) the inspection of domesticated elk facilities;

(3) preventing the outbreak and controlling the spread of disease-causing pathogens among domesticated elk in domesticated elk facilities;

(4) preventing the spread of disease-causing pathogens from domesticated elk to wildlife, other animals, or humans; and

(5) if necessary, quarantining any domesticated elk pursuant to Chapter 31, Control of Animal Disease.

Amended by Chapter 331, 2012 General Session

4-39-104 Domesticated Elk Act advisory council.

(1) The department shall establish a Domesticated Elk Act advisory council to give advice and make recommendations on policies and rules adopted pursuant to this chapter.

(2) The advisory council shall consist of 10 members appointed by the commissioner of agriculture to four-year terms as follows:

(a) one member, recommended by the executive director of the Department of Natural Resources, shall represent the Department of Natural Resources;

(b) two members, one of whom shall be the state veterinarian, shall represent the Department of Agriculture;

(c) one member shall represent the livestock industry;

(d) one member, recommended by the executive director of the Department of Natural Resources from a list of candidates submitted by the Division of Wildlife Resources, shall represent wildlife interests; and

(e) five members, recommended by the Department of Agriculture, shall represent the domesticated elk industry.

(3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

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

(5)

(a) A majority of the advisory council constitutes a quorum.

(b) A quorum is necessary for the council to act.

(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.

Amended by Chapter 181, 2017 General Session
Amended by Chapter 345, 2017 General Session

4-39-105 Prohibited activities.

(1) Except as provided in this title or in the rules of the department made pursuant to this title, a person may not:
  (a) acquire, import, or possess domesticated elk intended for use in a domesticated elk facility;
  (b) transport domesticated elk to or from a domesticated elk facility;
  (c) propagate domesticated elk in a domesticated elk facility; or
  (d) harvest, transfer, possess, or sell domesticated elk or domesticated elk products from a domesticated elk facility.
(2) Releasing domesticated elk into the wild is prohibited.

Amended by Chapter 378, 1999 General Session

4-39-106 Department to make rules.

(1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, after considering the recommendations of the advisory council:
  (a) specifying procedures for the application and renewal of licenses for operating a domesticated elk facility;
  (b) governing the disposal or removal of domesticated elk from a domesticated elk facility for which the license has lapsed or been revoked;
  (c) setting standards and requirements for operating a domesticated elk facility;
  (d) setting health requirements and standards for health inspections; and
  (e) governing the possession, transportation, and accompanying documentation of domesticated elk carcasses.
(2) The department may make other rules consistent with its responsibilities set forth in Section 4-39-103.

Amended by Chapter 382, 2008 General Session

4-39-107 Powers of state veterinarian.

(1) The state veterinarian shall:
  (a) set up periodic or ongoing surveillance programs considered necessary for:
    (i) the recognition, control, monitoring, and elimination of infectious diseases and parasites; and
    (ii) monitoring genetic purity; and
  (b) quarantine or make any disposition of diseased animals that the state veterinarian considers necessary for the control or eradication of that disease.
(2) In carrying out the state veterinarian's duties under this section, the state veterinarian may impose reasonable restrictions, as determined by the department, on the transfer of domesticated elk to or from a domesticated elk herd for a limited time for the purpose of conducting a health risk assessment for the domesticated elk herd.
(3) Within 30 calendar days after the day on which the state veterinarian begins an animal disease traceability investigation for a domesticated elk herd, the state veterinarian shall provide written notice to an owner of the domesticated elk facility of:
  (a) the status of the animal disease traceability investigation, including any findings; and
  (b) the owner's right to appeal.
(4) The state veterinarian may not:
  (a) quarantine a domesticated elk facility unless a domesticated elk at the domesticated elk facility has, within the previous 60 months:

(i) tested positive for a disease spreading pathogen; or
(ii) commingled with a domesticated elk in a quarantined domesticated elk facility;
(b) continue a previously ordered domesticated elk facility quarantine if an animal disease traceability investigation finds that:
(i) a suspect domesticated elk was not commingled with a domesticated elk that tested positive for a disease spreading pathogen in the 60 months before the day on which the state veterinarian begins the investigation; or
(ii) no suspect domesticated elk resides at the domesticated elk facility; or
(c) restrict the movement of a domesticated elk in transport to an elk ranch or slaughter facility.

Amended by Chapter 110, 2023 General Session

4-39-108 Deposit of fees.

The department shall deposit all fees collected under this chapter into the Utah Livestock Brand and Anti-Theft Account created in Section 4-24-501.

Amended by Chapter 295, 2021 General Session

Part 2
Domesticated Elk Facilities and Licenses

4-39-201 Fencing, posts, and gates.

(1) A domesticated elk facility shall, at a minimum, meet the requirements of this section and shall be constructed to prevent the movement of domestic elk and wild cervids into or out of the facility.
(2)
(a) All perimeter fences and gates shall be:
(i) a minimum of eight feet above ground level; and
(ii) constructed of hi-tensile steel.
(b) At least the bottom four feet shall be mesh with a maximum mesh size of 6" x 6".
(c) The remaining four feet shall be mesh with a maximum mesh size of 12" x 6".
(3) The minimum wire gauge shall be 14-1/2 gauge for a 2 woven hi-tensile fence.
(4) All perimeter gates at the entrances of a domesticated elk handling facility shall be locked, with consecutive or self-closing gates when animals are present.
(5) Posts shall be:
(a)
(i) constructed of treated wood that is at least four inches in diameter; or
(ii) constructed of a material with the strength equivalent of Subsection (5)(a)(i);
(b) spaced no more than 30 feet apart if one stay is used, or 20 feet apart if no stays are used; and
(c) at least eight feet above ground level and two feet below ground level.
(6) Stays, between the posts, shall be:
(a) constructed of treated wood or steel;
(b) spaced no more than 15 feet from any post; and
(c) at least eight feet above ground level, and two feet below ground level.
(7) Corner posts and gate posts shall be braced wood or its strength equivalent.

Amended by Chapter 345, 2017 General Session

4-39-202 General facility requirements.

(1)
(a) Internal handling facilities shall be capable of humanely restraining an individual animal and to facilitate:
(i) the application or reading of any animal identification;
(ii) the taking of blood or tissue samples; and
(iii) any other required or necessary testing procedure.
(b) A domesticated elk facility shall be properly constructed to protect inspection personnel while inspection personnel are handling the domesticated elk.
(2) The domesticated elk facility owner shall provide ample signage around the facility indicating that it is a domesticated elk facility, so that the public is put on notice that the animals are not wild elk.

Amended by Chapter 345, 2017 General Session

4-39-203 License required to operate a domesticated elk facility.

(1) A person may not operate a domesticated elk facility without first obtaining a license from the department.
(2)
(a) An application for a license to operate a domesticated elk facility shall be accompanied by a fee.
(b) The fee shall be established by the department in accordance with Section 63J-1-504.
(3) An applicant for a domesticated elk facility license shall submit an application providing all information in the form and manner as required by the department.
(4)
(a) The department may not issue a license until the department inspects and approves the facility.
(b) The department shall:
(i) notify the Division of Wildlife Resources at least 48 hours before a scheduled inspection so that a Division of Wildlife Resources representative may be present at the inspection; and
(ii) provide the Division of Wildlife Resources with copies of all licensing and inspection reports.
(5) Each separate location of the domesticated elk operation shall be licensed separately.
(6)
(a) If a domesticated elk facility is operated under more than one business name from a single location, the name of each operation shall be listed with the department in the form and manner required by the department.
(b) The department shall require that a separate fee be paid for each business name listed.
(c) If a domesticated elk facility operates under more than one business name from a single location, each facility shall maintain separate records.
(7) A person with an equity interest in the domesticated elk shall be listed on the application for license.
(8) A domesticated elk facility license shall expire on June 30 in the year following the year of issuance.

(9) A licensee shall report to the department, in the form and manner required by the department, any change in the information provided in the licensee's application or in the reports previously submitted, within 15 days of each change.
(10) A license issued pursuant to this section is not transferable.

Amended by Chapter 91, 2025 General Session

4-39-204 Inspection of domesticated elk.

Following the issuance of a license, the licensee shall have each domesticated elk inspected within 60 days following the stocking of the facility.

Enacted by Chapter 302, 1997 General Session

4-39-205 License renewal.

(1) To renew a license, the licensee shall submit to the department the following:
(a) renewal fee;
(b) paperwork showing that the:
(i) domesticated elk, on the domesticated elk facility, have been inspected and certified by the department for health and proof of ownership for all elk imported into the state; and
(ii) facility has been properly maintained, as provided in this chapter, during the immediately preceding 60-day period; and
(c) record of each purchase of domesticated elk and transfer of domesticated elk into the facility, which shall include the following information:
(i) name and address of the source;
(ii) date of transaction; and
(iii) number and sex.
(2)
(a) If the renewal fee and paperwork are not received on or before April 30, the department shall charge a late fee.
(b) A license may not be renewed until the renewal fee and any late fee is paid.
(3) If the application and fee for renewal are not received on or before June 30, the license may not be renewed, and a new license shall be required.

Amended by Chapter 91, 2025 General Session

4-39-206 Records to be maintained.

(1) The following records and information shall be maintained by a domesticated elk facility for the life of the animal plus five years:
(a) records of purchase, acquisition, distribution, and production histories of domesticated elk;
(b) records documenting antler harvesting, production, and distribution; and
(c) health certificates.
(2) For purposes of carrying out this chapter and rules made under this chapter, at any reasonable time during regular business hours, the department shall have free and unimpeded access to inspect all records required to be kept.
(3) The department may make copies of the records referred to in this section.

Amended by Chapter 91, 2025 General Session

4-39-207 Inspection of facilities.

(1) The department may conduct pathological or physical investigations at any domesticated elk facility to ensure compliance with this chapter.

(2) For purposes of carrying out the provisions of this chapter and rules made under this chapter, at any reasonable time during regular business hours, the department shall have free and unimpeded access to inspect all buildings, yards, pens, pastures, and other areas in which any domesticated elk are kept, handled, or transported.

(3) The department shall notify the Division of Wildlife Resources prior to an inspection so that a Division of Wildlife Resources representative may be present at the inspection.

Amended by Chapter 345, 2017 General Session

Part 3
Acquisition, Transportation, Sale, or Slaughter of Domesticated Elk

4-39-301 Proof of source.

The department shall require proof that the domesticated elk originates from a legal source as provided in Section 4-39-302.

Amended by Chapter 91, 2025 General Session

4-39-302 Acquisition of domesticated elk for use in domesticated elk facilities.

Domesticated elk intended for use in domesticated elk facilities shall meet all health and genetic requirements of this chapter.

Amended by Chapter 378, 2010 General Session

4-39-303 Importation of domesticated elk -- Enforcement.

(1) A person may not import domesticated elk into the state for use in domesticated elk facilities without first obtaining:
  (a) an entry permit from the state veterinarian's office; and
  (b) a domesticated elk facility license from the department.

(2) The entry permit shall include the following information and certificates:
  (a) a health certificate with an indication of the current health status;
  (b) the name and address of the consignor and consignee;
  (c) proof that the elk are:
    (i) tuberculosis free; or
    (ii) enrolled in a tuberculosis herd monitoring accreditation program administered by the United State Department of Agriculture or the Canadian Food Inspection Agency;
  (d) the origin of shipment;
  (e) the final destination;
  (f) the total number of animals in the shipment;
  (g) for an elk imported from east of the 100 degree meridian, proof that the elk has been dewormed in accordance with Subsection (3)(a); and
  (h) any other information required by the state veterinarian's office or the department.

(3) In addition to the requirements described in Subsections (1) and (2), a person importing a domesticated elk from east of the 100 degree meridian shall:
(a) deworm the elk within 60 days before arrival in the state;
(b) deworm or harvest the elk no later than 150 days after arrival in the state;
(c) for a bull sent to an elk ranch:
(i) hold the bull for harvest until the bull has completed a slaughter withdrawal period; or
(ii) be able to demonstrate that the elk is free from dewormer residue; and
(d) make the elk available to the department for monitoring and inspection upon request by the department.
(4) The department may stop the importation of a domesticated elk or quarantine a domesticated elk if the department identifies the spread of meningeal worm in the elk or the elk's domesticated herd.
(5) A person who imports domesticated elk into the state from an international herd:
(a) may only import domesticated elk:
(i) that are male; and
(ii) to an elk ranch for use in the elk ranch; and
(b) shall ensure that the domesticated elk are harvested in the same season in which the domesticated elk enter the state.
(6) For the purpose of enforcing Subsection (5), the department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the use of radio frequency identification tags to track male elk imported into the state from an international herd.

Amended by Chapter 91, 2025 General Session

4-39-304 Marking domesticated elk.

A domesticated elk shall be marked by an electronic identification tag and unique visual tag pursuant to rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 91, 2025 General Session

4-39-305 Transportation of domesticated elk to or from domesticated elk facilities.

(1) A person may transport domesticated elk without an official state brand certificate or other proof of ownership if the person:
(a) only moves domesticated elk accompanied by an intrastate transfer form provided by the department;
(b) reports the move to the department within five days;
(c) only moves domesticated elk from a licensed facility to another licensed facility owned by the same person; and
(d) only moves domesticated elk intrastate.
(2) An official state brand inspection certificate shall accompany all domesticated elk sold or slaughtered.

Amended by Chapter 355, 2018 General Session

4-39-306 Inspection before movement, sale, or slaughter.

(1) Each domesticated elk facility licensee shall have the domesticated elk inspected by the department before sale or slaughter.

(2) Except as provided by Section 4-39-305, any person transporting or possessing domesticated elk or domesticated elk products shall have the appropriate brand inspection certificate in the person's possession.

Amended by Chapter 355, 2018 General Session

4-39-307 Inspections -- Qualifications of inspectors.

Health certification shall be based upon inspections carried out in accordance with standards specified by the department.

Enacted by Chapter 302, 1997 General Session

Part 4
Escape of Domesticated Elk/Removal of Wild Elk

4-39-401 Escape of domesticated elk -- Liability.

(1) The owner shall try to capture domesticated elk that escape.
(2) The escape of a domesticated elk shall be reported immediately to the domestic elk program manager, who shall notify the Division of Wildlife Resources.
(3) If the domesticated elk is not recovered within 72 hours of the escape, the department, in conjunction with the Division of Wildlife Resources, shall take whatever action is necessary to resolve the problem.
(4) The owner shall reimburse the state or a state agency for any reasonable recapture costs incurred in the recapture or destruction of an escaped domesticated elk.
(5) An escaped domesticated elk taken by a licensed hunter in a manner that complies with the provisions of Title 23A, Wildlife Resources Act, and the rules of the Wildlife Board shall be considered a legal taking and neither the licensed hunter, the state, nor a state agency shall be liable to the owner for the killing.
(6) The owner shall be responsible for containing the domesticated elk to ensure that there is no spread of disease from domesticated elk to wild elk and that the genetic purity of wild elk is protected.

Amended by Chapter 34, 2023 General Session

4-39-402 Removal of wild cervids -- Liability.

(1) Upon discovery of a wild cervid in a domesticated elk facility, the licensee shall immediately notify the Division of Wildlife Resources, which shall remove the wild cervid.
(2) The state or a state agency is not liable for disease or genetic purity problems of domesticated elk that may be attributed to wild cervids.

Amended by Chapter 345, 2017 General Session

Part 5
Enforcement and Penalties

4-39-501 Enforcement and penalties.

(1) Any violation of this chapter is a class B misdemeanor and may be grounds for revocation of the license or denial of any future license as determined by the department.

(2) A violation of any rule made under this chapter may be grounds for revocation of the license or denial for future licenses as determined by the department.

Enacted by Chapter 302, 1997 General Session

4-39-502 Adjudicative proceedings.

Adjudicative proceedings under this chapter shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

4-39-503 Grounds for denial, suspension, or revocation of licenses for domestic elk facilities.

(1) The department shall deny, suspend, or revoke a license to operate a domestic elk facility if the licensee or applicant:

(a) fails, for two consecutive years, to:

(i) meet inventory requirements as required by the department;

(ii) submit chronic wasting disease test samples for at least 90% of mortalities over 12 months old; or

(iii) notify the department that there are wild cervids inside a domestic elk farm or elk ranch;

(b) fails to present animals for identification at the request of the department or allow the department to have access to facility records; or

(c) violates the import requirements described in Section 4-39-303.

(2) The department may deny, revoke, or suspend a license to operate a domestic elk facility if, after delivery of notice and an opportunity to correct, the licensee or applicant:

(a) provides:

(i) an unfinished application or incorrect application information; or

(ii) incorrect records or fails to maintain required records;

(b) fails to:

(i) notify the department of movement of elk onto or off of the facility;

(ii) identify elk as required;

(iii) notify the department concerning an escape of an animal from a domestic elk facility;

(iv) maintain a perimeter fence that prevents escape of domestic elk or ingress of wild cervids into the facility;

(v) participate with the department in a cooperative wild cervid removal program;

(vi) submit chronic wasting disease test samples for at least 90% of mortalities over 12 months old; or

(vii) have the minimum proper equipment necessary to safely and humanely handle animals in the facility;

(c) moves imported elk onto a facility without getting a Certificate of Veterinary Inspection that has an import permit number from the department;

(d) imports animals that are prohibited or controlled by the division; or

(e) handles animals in a manner that violates acceptable animal husbandry practices.

Amended by Chapter 59, 2024 General Session

Chapter 41
Hemp and Cannabinoid Act

Part 1
Industrial Hemp

4-41-101 Title.
(1) This chapter is known as the "Hemp and Cannabinoid Act."
(2) This part is known as "Industrial Hemp."

Amended by Chapter 14, 2020 General Session

4-41-102 Definitions.
As used in this chapter:
(1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to human health, including:
(a) pesticides;
(b) heavy metals;
(c) solvents;
(d) microbial life;
(e) artificially derived cannabinoids;
(f) toxins; or
(g) foreign matter.
(2)
(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substances derived from the cannabis plant.
(b) "Artificially derived cannabinoid" does not include:
(i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process; or
(ii) cannabinoids that are produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.
(3) "Cannabidiol" or "CBD" means the cannabinoid identified as CAS# 13956-29-1.
(4) "Cannabidiolic acid" or "CBDA" means the cannabinoid identified as CAS# 1244-58-2.
(5) "Cannabinoid processor license" means a license that the department issues to a person for the purpose of processing a cannabinoid product.
(6) "Cannabinoid product" means a product that:
(a) contains or is represented to contain one or more naturally occurring cannabinoids;
(b) contains less than the cannabinoid product THC level, by dry weight;
(c) contains a combined amount of total THC and any THC analog that does not exceed 10% of the total cannabinoid content;
(d) does not exceed a total of THC and any THC analog that is greater than:
(i) 5 milligrams per serving; and
(ii) 150 milligrams per package; and

(e) unless the product is in an oil based suspension, has a serving size that:
(i) is an integer; and
(ii) is a discrete unit of the cannabinoid product.
(7) "Cannabinoid product class" means a group of cannabinoid products that:
(a) have all ingredients in common; and
(b) are produced by or for the same company.
(8) "Cannabinoid product THC level" means a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis if laboratory testing confirms a result within a measurement of uncertainty that includes the combined concentration of 0.3%.
(9) "Cannabis" means the same as that term is defined in Section 26B-4-201.
(10) "Delta-9-tetrahydrocannabinol" or "delta-9-THC" means the cannabinoid identified as CAS# 1972-08-3, the primary psychotropic cannabinoid in cannabis.
(11) "Industrial hemp" means any part of a cannabis plant, whether growing or not, with a concentration of less than 0.3% tetrahydrocannabinol by dry weight.
(12) "Industrial hemp producer registration" means a registration that the department issues to a person for the purpose of processing industrial hemp or an industrial hemp product.
(13)
(a) "Industrial hemp product" means a product made by processing industrial hemp plants or industrial hemp parts.
(b) "Industrial hemp product" does not include cannabinoid material or a cannabinoid product.
(14) "Industrial hemp retailer permit" means a permit that the department issues to a retailer who sells any viable industrial hemp seed or cannabinoid product.
(15) "Key participant" means any of the following:
(a) a licensee;
(b) an operation manager;
(c) a site manager; or
(d) an employee who has access to any industrial hemp material with a THC concentration above 0.3%.
(16) "Licensee" means a person possessing a cannabinoid processor license that the department issues under this chapter.
(17) "Newly identified cannabinoid" means a cannabinoid that:
(a) is not expressly identified by chemical name or CAS number in this chapter; and
(b) is identified by the department under Section 4-41-405.
(18) "Non-compliant material" means:
(a) a hemp plant that does not comply with this chapter, including a cannabis plant with a concentration of 0.3% tetrahydrocannabinol or greater by dry weight;
(b) a cannabinoid product, chemical, or compound with a concentration that exceeds the cannabinoid product THC level; and
(c) a cannabinoid product containing any of the following:
(i) delta-9-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS# 54763-99-4;
(ii) delta-8-tetrahydrocannabiphorol (THCP), the cannabinoid identified as CAS# 51768-60-6;
(iii) delta-9-tetrahyrdocannabinol (THC) acetate, the cannabinoid identified as CAS# 23132-17-4;
(iv) delta-8-tetrahydrocannabinol (THC) acetate, the cannabinoid identified as CAS# 23050-54-6;
(v) 9(s)-hexahydrocannabinol (HHC), the cannabinoid identified as CAS# 36403-91-5; or
(vi) 9(r)-hexahyrdocannabinol (HHC), the cannabinoid identified as CAS# 36403-90-4.

(19) "Permittee" means a person possessing a permit that the department issues under this chapter.
(20) "Person" means:
(a) an individual, partnership, association, firm, trust, limited liability company, or corporation; and
(b) an agent or employee of an individual, partnership, association, firm, trust, limited liability company, or corporation.
(21) "Retailer permittee" means a person possessing an industrial hemp retailer permit that the department issues under this chapter.
(22) "Tetrahydrocannabinol" or "THC" means a delta-9-tetrahydrocannabinol, the cannabinoid identified as CAS# 1972-08-3.
(23)
(a) "THC analog" means a substance that is structurally or pharmacologically substantially similar to, or is represented as being similar to, delta-9-THC.
(b) "THC analog" does not include the following substances or the naturally occurring acid forms of the following substances:
(i) cannabichromene (CBC), the cannabinoid identified as CAS# 20675-51-8;
(ii) cannabicyclol (CBL), the cannabinoid identified as CAS# 21366-63-2;
(iii) cannabidiol (CBD), the cannabinoid identified as CAS# 13956-29-1;
(iv) cannabidivarol (CBDV), the cannabinoid identified as CAS# 24274-48-4;
(v) cannabielsoin (CBE), the cannabinoid identified as CAS# 52025-76-0;
(vi) cannabigerol (CBG), the cannabinoid identified as CAS# 25654-31-3;
(vii) cannabigerovarin (CBGV), the cannabinoid identified as CAS# 55824-11-8;
(viii) cannabinol (CBN), the cannabinoid identified as CAS# 521-35-7;
(ix) cannabivarin (CBV), the cannabinoid identified as CAS# 33745-21-0; or
(x) delta-9-tetrahydrocannabivarin (THCV), the cannabinoid identified as CAS# 31262-37-0.
(24) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)".
(25) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined amounts of delta-9-THC, tertrahydrocannabinolic acid, calculated as "total THC = delta-9-THC + (THCA x 0.877)".
(26) "Transportable industrial hemp concentrate" means any amount of a natural cannabinoid in a purified state that:
(a) is the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass;
(b) is derived from a cannabis plant that, based on sampling that was collected no more than 30 days before the day on which the cannabis plant was harvested, contains a combined concentration of total THC and any THC analog of less than 0.3% on a dry weight basis;
(c) has a THC and THC analog concentration total that is less than 20% when concentrated from the cannabis plant to the purified state; and
(d) is intended to be processed into a cannabinoid product.

Amended by Chapter 114, 2025 General Session

4-41-103.1 Authority to regulate production, sale, and testing of cannabinoid products and industrial hemp -- Information sharing with the State Tax Commission.
(1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) establish requirements for a cannabinoid processor license to process cannabinoid products;

(b) establish requirements for an industrial hemp retailer permit to market or sell industrial hemp products;
(c) establish the standards, methods, practices, and procedures a laboratory must use when:
(i) testing industrial hemp, transportable industrial hemp concentrate, and cannabinoid products; and
(ii) disposing of non-compliant material;
(d) establish requirements for registration of processors of non-cannabinoid industrial hemp products; and
(e) establish standards for transporting transportable industrial hemp concentrate into and out of the state.
(2) The department shall maintain a list of each licensee and permittee.
(3) Beginning January 1, 2025, the department shall provide to the State Tax Commission:
(a) a regularly updated list of every retailer permittee that sells a cannabinoid product;
(b) any information obtained by the department regarding a person who is not a retailer permittee and is selling a cannabinoid product; and
(c) the tax identification number:
(i) for a retailer permittee described in Subsection (3)(a); and
(ii) a person described in Subsection (3)(b).

Amended by Chapter 35, 2024 General Session

4-41-103.2 Cannabinoid processor license.
(1) The department or a licensee of the department may process a cannabinoid product.
(2) A person seeking a cannabinoid processor license shall provide to the department:
(a) the legal description and global positioning coordinates sufficient for locating the facility the person uses to process industrial hemp; and
(b) written consent allowing a representative of the department and local law enforcement to enter all premises where the person processes or stores industrial hemp for the purpose of:
(i) conducting a physical inspection; or
(ii) ensuring compliance with the requirements of this chapter.
(3) The department may set a fee in accordance with Subsection 4-2-103(2) for the application for a cannabinoid processor license.
(4) A licensee may only market a cannabinoid product that the licensee processes.
(5)
(a) An applicant for a cannabinoid processor license shall:
(i) be at least 18 years old; and
(ii) submit a nationwide criminal history from the Federal Bureau of Investigation to the department.
(b) The department shall reject an individual's application for a cannabinoid processor license if the criminal history described in Subsection (5)(a)(ii) was not completed in the previous 90 days before the day the applicant submits the license application to the department.
(6) An applicant is not eligible to receive a cannabinoid processor license if the applicant has:
(a) been convicted of a felony; or
(b) been convicted of a drug-related misdemeanor within the previous 10 years.

Amended by Chapter 114, 2025 General Session

4-41-103.3 Industrial hemp retailer permit.

(1) Except as provided in Subsection (5), a retailer permittee of the department may market or sell a cannabinoid product or a viable industrial hemp seed.
(2) A person seeking an industrial hemp retailer permit shall provide to the department:
  (a) the name of the person that is seeking to market or sell a cannabinoid product or a viable industrial hemp seed;
  (b) the address of each location where a cannabinoid product or a viable industrial hemp seed will be sold; and
  (c) written consent allowing a representative of the department to enter all premises where the person is selling a cannabinoid product or a viable industrial hemp seed for the purpose of:
    (i) conducting a physical inspection; or
    (ii) ensuring compliance with the requirements of this chapter.
(3) Beginning January 1, 2026, an industrial hemp retailer permittee shall:
  (a) maintain a video surveillance system that:
    (i) is able to monitor who purchases a cannabinoid product from the permittee;
    (ii) is tamper proof; and
    (iii) stores a video record for at least 45 days; and
  (b) provide the department access to the video surveillance system upon request.
(4) The department may set a fee in accordance with Subsection 4-2-103(2) for the application for an industrial hemp retailer permit.
(5) Any marketing for a cannabinoid product or a viable industrial hemp seed shall include a notice to consumers that the product is hemp and is not cannabis or medical cannabis, as those terms are defined in Section 26B-4-201.

Amended by Chapter 114, 2025 General Session

4-41-103.4 Industrial hemp laboratory testing.
(1) The department or a laboratory contracted with the department may test industrial hemp and cannabinoid products.
(2) The department or a laboratory contracted with the department may dispose of non-compliant material.

Amended by Chapter 35, 2024 General Session

4-41-103.5 Industrial hemp producer registration -- Limitation on industrial hemp product use.
(1) A person may produce an industrial hemp product if the person has registered with the department as an industrial hemp producer.
(2) A person seeking to register under Subsection (1) shall provide to the department:
  (a) the name of the person that is seeking to produce an industrial hemp product;
  (b) the address of each location where the industrial hemp product will be manufactured; and
  (c) written consent allowing a representative of the department to enter any premise where the person is manufacturing industrial hemp product for:
    (i) conducting a physical inspection; or
    (ii) ensuring compliance with the requirements of this chapter.
(3) An industrial hemp product or byproduct may not be used for production of a cannabinoid product.

Enacted by Chapter 146, 2023 General Session

4-41-104 Product registration required for distribution -- Application -- Fees -- Renewal.

(1) A cannabinoid product class or cannabinoid product that is not registered with the department may not be distributed in this state.

(2) A person seeking registration for a cannabinoid product class or cannabinoid product shallapply to the department on forms provided by the departmentfor a registration for each cannabinoid product class or cannabinoid product the person intends to distribute in the state.

(3) The department may conduct tests, or require test results, to ensure that any claim made by an applicant about a cannabinoid product class or cannabinoid product is accurate.

(4) Upon receipt by the department of a proper application, as described in Subsection (2), the department shall issue a registration to the applicant allowing the applicant to distribute the registered cannabinoid product class or cannabinoid product in the state for one year from the date on which the application is approved, subject to suspension or revocation for cause.

(5) The department shall mail, either through the postal service or electronically, forms for the renewal of a registration to a registrant at least 30 days before the day on which the registrant's registration expires.

Amended by Chapter 35, 2024 General Session

4-41-105 Unlawful acts.

(1) It is unlawful for a person to handle, process, or market living industrial hemp plants, viable hemp seeds, leaf materials, or floral materials derived from industrial hemp without the appropriate license or permit issued by the department under this chapter.

(2)

(a) It is unlawful for any person to:

(i) distribute, sell, or market a cannabinoid product that is:

(A) not registered with the department under Section 4-41-104; or

(B) noncompliant material;

(ii) except as provided in Subsection (2)(b), transport into or out of the state extracted material or final product that contains 0.3% or more of total THC and any THC analog;

(iii) sell or use a cannabinoid product that is:

(A) added to a conventional food or beverage, as the department further defines in rules described in Section 4-41-403;

(B) marketed or manufactured to be enticing to children, as further defined in rules described in Section 4-41-403; or

(C) smokable flower; or

(iv) knowingly or intentionally sell or give a cannabinoid product that contains THC or a THC analog in the course of business to an individual who is not at least 21 years old.

(b) A person may transport transportable industrial hemp concentrate if the person:

(i) complies with rules created by the department under Section 4-41-103.1 related to transportable industrial hemp concentrate; and

(ii)

(A) has a cannabinoid processor license; or

(B) the equivalent to a cannabinoid processor license from another state.

(3) The department may seize and destroy non-compliant material.

(4) Nothing in this chapter authorizes any person to violate federal law, regulation, or any provision of this title.

Amended by Chapter 114, 2025 General Session

4-41-106 Enforcement -- Fine -- Citation.

(1) If a person violates this part, the department may:
  (a) revoke the person's license or permit;
  (b) decline to renew the person's license or permit; or
  (c) assess the person a civil penalty that the department establishes in accordance with Section 4-2-304.
(2) Except for a fine that the department assesses for an unlicensed processor, an unregistered product, or the sale of a cannabinoid product to an individual younger than 21 years old, the department shall deposit a penalty imposed under this section into the General Fund.
(3) The department may take an action described in Subsection (4) if the department concludes, upon investigation, that a person has violated this chapter, a rule made under this chapter, or an order issued under this chapter.
(4) If the department makes the conclusion described in Subsection (3), the department shall:
  (a) issue the person a written administrative citation;
  (b) attempt to negotiate a stipulated settlement;
  (c) seize, embargo, or destroy the industrial hemp batch or unregistered product;
  (d) order the person to cease the violation; and
  (e) if a stipulated settlement cannot be reached, conduct an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
(5) The department may, for a person, other than an individual, that is subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, for a fine amount not already specified in law, assess the person a fine of up to $5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(6) The department may not revoke a cannabinoid processor license or an industrial hemp retailer's permit without first giving the person the opportunity to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(7) If, within 30 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.
(8) The department may, for a person who fails to comply with a citation under this section:
  (a) refuse to issue or renew the person's processor license or retailer permit; or
  (b) suspend, revoke, or place on probation the person's processor license or retailer permit.

Amended by Chapter 35, 2024 General Session

Part 4
Cannabinoid Product Act

4-41-401 Title.

This part is known as "Cannabinoid Product Act."

Amended by Chapter 23, 2019 General Session

4-41-402 Cannabinoid sales and use authorized.

(1) The sale or use of a cannabinoid product is prohibited:
  (a) except as provided in this chapter; or
  (b) unless the United States Food and Drug Administration approves the product.
(2) The department shall keep a list of registered cannabinoid products that the department has determined, in accordance with Section 4-41-403, are safe for human consumption.
(3)
  (a) A person may sell or use a cannabinoid product that is in the list of registered cannabinoid products described in Subsection (2).
  (b) An individual may use cannabidiol or a cannabidiol product that is not in the list of registered cannabinoid products described in Subsection (2) if:
    (i) the individual purchased the product outside the state; and
    (ii) the product's contents do not violate Title 58, Chapter 37, Utah Controlled Substances Act.
(4) Any marketing for a cannabinoid product shall include a notice to consumers that the product is hemp or CBD and is not cannabis or medical cannabis, as those terms are defined in Section 26B-4-201.
(5) A cannabinoid product that is designed to be inhaled shall include a warning on the label regarding the possible health effects of inhaling cannabinoid products.

Amended by Chapter 146, 2023 General Session
Amended by Chapter 327, 2023 General Session

4-41-403 Standards for registration.

(1)
  (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
    (i) to determine standards for a registered cannabinoid product, including standards for:
      (A) testing to ensure the product is safe for human consumption; and
      (B) accurate labeling;
    (ii) governing an entity that manufactures cannabinoid products, including standards for health and safety;
    (iii) to determine when and how a cannabinoid processor's cannabinoid must be tested by the department at the expense of the cannabinoid processor;
    (iv) regarding what constitutes:
      (A) a conventional food or beverage; and
      (B) a product that is marketed or manufactured to be enticing to children;
    (v) regarding any other issue the department considers necessary for the safe production and sale of cannabinoid products; and
    (vi) for a cannabinoid product that is not in an oil based suspension, prohibiting a serving size that is less than the full portion of a discrete unit of the cannabinoid product.
  (b) Notwithstanding Subsection (1)(a), the department may not prohibit a sugar coating on a cannabinoid product to mask the product's taste, subject to the limitations described in Subsection (1)(a)(iv) or (v).
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to immediately ban or limit the presence of any substance in a cannabinoid product after receiving a recommendation to do so from a public health authority as defined in Section 26B-1-102.

(3) The department shall set a fine of not more than $5,000 for a person who sells a cannabinoid product that is not registered by the department.

Amended by Chapter 35, 2024 General Session

4-41-404 Department duties.

The department may take an enforcement action in accordance with Section 4-41-106 against any person who offers an unregistered cannabinoid product for sale in this state.

Amended by Chapter 114, 2025 General Session

4-41-405 Newly identified cannabinoid.

(1) For a newly identified cannabinoid, the department may:
  (a) establish a maximum allowable concentration that a cannabinoid product may contain of the newly identified cannabinoid;
  (b) prohibit the newly identified cannabinoid from appearing in a cannabinoid product; or
  (c) modify the maximum allowable concentration described in Subsection (1)(a) as necessary if it would not create a threat to public health.
(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement Subsection (1).

Enacted by Chapter 114, 2025 General Session

Chapter 41a
Cannabis Production Establishments and Pharmacies

Part 1
General Provisions

4-41a-101 Title.

This chapter is known as "Cannabis Production Establishments."

Renumbered and Amended by Chapter 1, 2018 Special Session 3

4-41a-102 Definitions.

As used in this chapter:
(1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be injurious to health, including:
  (a) pesticides;
  (b) heavy metals;
  (c) solvents;
  (d) microbial life;
  (e) artificially derived cannabinoid;
  (f) toxins; or
  (g) foreign matter.

(2) "Advertise" or "advertising" means information provided by a person in any medium:
(a) to the public; and
(b) that is not age restricted to an individual who is at least 21 years old.
(3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in Section 26B-1-435.
(4)
(a) "Anticompetitive business practice" means any practice that is an illegal anticompetitive activity under Section 76-16-510.
(b) "Anticompetitive business practice" may include:
(i) agreements that may be considered unreasonable when competitors interact to the extent that they are:
(A) no longer acting independently; or
(B) when collaborating are able to wield market power together;
(ii) monopolizing or attempting to monopolize trade by:
(A) acting to maintain or acquire a dominant position in the market; or
(B) preventing new entry into the market; or
(iii) other conduct outlined in rule.
(5)
(a) "Artificially derived cannabinoid" means a chemical substance that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from the cannabis plant.
(b) "Artificially derived cannabinoid" does not include:
(i) a naturally occurring chemical substance that is separated from the cannabis plant by a chemical or mechanical extraction process; or
(ii) a cannabinoid that is produced by decarboxylation from a naturally occurring cannabinoid acid without the use of a chemical catalyst.
(6) "Batch" means a quantity of:
(a) cannabis extract produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are used;
(b) cannabis product produced on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which cannabis extract is used; or
(c) cannabis flower packaged on a particular date and time and produced between completion of equipment and facility sanitation protocols until the next required sanitation cycle during which lots of cannabis are being used.
(7) "Cannabis Research Review Board" means the Cannabis Research Review Board created in Section 26B-1-420.
(8) "Cannabis" means the same as that term is defined in Section 26B-4-201.
(9) "Cannabis concentrate" means:
(a) the product of any chemical or physical process applied to naturally occurring biomass that concentrates or isolates the cannabinoids contained in the biomass; and
(b) any amount of a natural cannabinoid or artificially derived cannabinoid in an artificially derived cannabinoid's purified state.
(10) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not intended to be sold as a cannabis plant product.
(11) "Cannabis cultivation facility" means a person that:
(a) possesses cannabis;

(b) grows or intends to grow cannabis; and
(c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis processing facility, or a medical cannabis research licensee.
(12) "Cannabis cultivation facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis cultivation facility designation.
(13) "Cannabis derivative product" means a product made using cannabis concentrate.
(14) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in a form that is recognizable as a portion of a cannabis plant.
(15) "Cannabis processing facility" means a person that:
(a) acquires or intends to acquire cannabis from a cannabis production establishment;
(b) possesses cannabis with the intent to manufacture a cannabis product;
(c) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
(d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a medical cannabis research licensee.
(16) "Cannabis processing facility agent" means an individual who holds a valid cannabis production establishment agent registration card with a cannabis processing facility designation.
(17) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
(18) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.
(19) "Cannabis production establishment agent" means a cannabis cultivation facility agent, a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
(20) "Cannabis production establishment agent registration card" means a registration card that the department issues that:
(a) authorizes an individual to act as a cannabis production establishment agent; and
(b) designates the type of cannabis production establishment for which an individual is authorized to act as an agent.
(21) "Closed-door medical cannabis pharmacy" means a facility operated by a home delivery medical cannabis pharmacy for delivering medical cannabis.
(22) "Community location" means a public or private elementary or secondary school, a church, a public library, a public playground, or a public park.
(23) "Cultivation space" means, quantified in square feet, the horizontal area in which a cannabis cultivation facility cultivates cannabis, including each level of horizontal area if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants above other plants in multiple levels.
(24) "Delivery address" means:
(a) for a medical cannabis cardholder who is not a facility:
(i) the medical cannabis cardholder's home address; or
(ii) an address designated by the medical cannabis cardholder that:
(A) is the medical cannabis cardholder's workplace; and
(B) is not a community location; or
(b) for a medical cannabis cardholder that is a facility, the facility's address.
(25) "Department" means the Department of Agriculture and Food.
(26) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(27) "Government issued photo identification" means the same as that term is defined in Section 26B-4-201, including expired identification in accordance with Section 26B-4-244.
(28) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that the department authorizes, as part of the pharmacy's license, to deliver medical cannabis shipments to a delivery address to fulfill electronic orders.
(29)
(a) "Independent cannabis testing laboratory" means a person that:
(i) conducts a chemical or other analysis of cannabis or a cannabis product; or
(ii) acquires, possesses, and transports cannabis or a cannabis product with the intent to conduct a chemical or other analysis of the cannabis or cannabis product.
(b) "Independent cannabis testing laboratory" includes a laboratory that the department or a research university operates in accordance with Subsection 4-41a-201(14).
(30) "Independent cannabis testing laboratory agent" means an individual who holds a valid cannabis production establishment agent registration card with an independent cannabis testing laboratory designation.
(31) "Inventory control system" means a system described in Section 4-41a-103.
(32) "Licensing board" or "board" means the Cannabis Production Establishment and Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
(33) "Medical cannabis" or "medical cannabis product" means the same as that term is defined in Section 26B-4-201.
(34) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
(35) "Medical cannabis courier" means a courier that:
(a) the department licenses in accordance with Section 4-41a-1201; and
(b) contracts with a home delivery medical cannabis pharmacy to deliver medical cannabis shipments to fulfill electronic orders.
(36) "Medical cannabis courier agent" means an individual who:
(a) is an employee of a medical cannabis courier; and
(b) who holds a valid medical cannabis courier agent registration card.
(37) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.
(38) "Medical cannabis pharmacy agent" means the same as that term is defined in Section 26B-4-201.
(39) "Medical cannabis research license" means a license that the department issues to a research university for the purpose of obtaining and possessing medical cannabis for academic research.
(40) "Medical cannabis research licensee" means a research university that the department licenses to obtain and possess medical cannabis for academic research, in accordance with Section 4-41a-901.
(41) "Medical cannabis shipment" means a shipment of medical cannabis that a home delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery address to fulfill an electronic medical cannabis order.
(42) "Medical cannabis treatment" means the same as that term is defined in Section 26B-4-201.
(43) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
(44) "Patient product information insert" means the same as that term is defined in Section 26B-4-201.
(45) "Pharmacy ownership limit" means an amount equal to 30% of the total number of medical cannabis pharmacy licenses issued by the department rounded down to the nearest whole number.
(46) "Pharmacy medical provider" means the same as that term is defined in Section 26B-4-201.

(47) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
(48) "Recommending medical provider" means the same as that term is defined in Section 26B-4-201.
(49) "Research university" means the same as that term is defined in Section 53B-7-702 and a private, nonprofit college or university in the state that:
(a) is accredited by the Northwest Commission on Colleges and Universities;
(b) grants doctoral degrees; and
(c) has a laboratory containing or a program researching a schedule I controlled substance described in Section 58-37-4.
(50) "State electronic verification system" means the system described in Section 26B-4-202.
(51) "Targeted marketing" means the promotion of medical cannabis, a medical cannabis brand, or a medical cannabis device using any of the following methods:
(a) electronic communication to an individual who is at least 21 years old and has requested to receive promotional information;
(b) an in-person marketing event that is:
(i) held inside a medical cannabis pharmacy; and
(ii) in an area where only a medical cannabis cardholder may access the event;
(c) other marketing material that is physically available or digitally displayed in a medical cannabis pharmacy; or
(d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is provided to an individual when obtaining medical cannabis:
(i) in the medical cannabis pharmacy;
(ii) at the medical cannabis pharmacy's drive-through pick up window; or
(iii) in a medical cannabis shipment.
(52) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section 4-41-102.
(53) "Tier one cannabis processing facility" means a cannabis processing facility that is able to:
(a) create cannabis concentrate;
(b) create cannabis derivative product; and
(c) package and label medical cannabis.
(54) "Tier two cannabis processing facility" means a cannabis processing facility that is able to package and label medical cannabis only if the medical cannabis is a cannabis plant product.
(55) "THC analog" means the same as that term is defined in Section 4-41-102.
(56) "Total composite tetrahydrocannabinol" means all detectable forms of tetrahydrocannabinol.
(57) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in Section 4-41-102.

Amended by Chapter 392, 2025 General Session

4-41a-103 Inventory control system.
(1) Each cannabis production establishment and each medical cannabis pharmacy shall maintain an inventory control system that meets the requirements of this section.
(2) A cannabis production establishment and a medical cannabis pharmacy shall ensure that the inventory control system maintained by the establishment or pharmacy:
(a) tracks cannabis using a unique identifier, in real time, from the point that a cannabis plant is eight inches tall and has a root ball until the cannabis is disposed of or sold, in the form of unprocessed cannabis or a cannabis product, to an individual with a medical cannabis card;
(b) maintains in real time a record of the amount of cannabis and cannabis products in the possession of the establishment or pharmacy; and

(c) preserves compatibility with the state electronic verification system described in Section 26B-4-202.

(3) A cannabis production establishment and a medical cannabis pharmacy shall allow the following to access the cannabis production establishment's or the medical cannabis pharmacy's inventory control system at any time:

(a) the department; and

(b) the Department of Health and Human Services.

(4) The department may establish compatibility standards for an inventory control system by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5)

(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for aggregate or batch records regarding the planting and propagation of cannabis before being tracked in an inventory control system described in this section.

(b) The department shall ensure that the rules described in Subsection (5)(a) address record-keeping for the amount of planted seed, number of cuttings taken, date and time of cutting and planting, number of plants established, and number of plants culled or dead.

(6)

(a) The department may provide reports from the inventory control system to a financial institution to allow them to reconcile transactions and other financial activity of cannabis production establishments, medical cannabis pharmacies, and medical cannabis couriers that use financial services that the financial institution provides.

(b) A report:

(i) may only include information related to financial transactions; and

(ii) may not include any identifying patient information.

Amended by Chapter 414, 2025 General Session

4-41a-104 Qualified Production Enterprise Fund -- Creation -- Revenue neutrality.

(1) There is created an enterprise fund known as the "Qualified Production Enterprise Fund."

(2) The fund created in this section is funded from:

(a) money the department deposits into the fund under this chapter;

(b) appropriations the Legislature makes to the fund; and

(c) the interest described in Subsection (3).

(3) Interest earned on the Qualified Production Enterprise Fund shall be deposited into the fund.

(4) The department may only use money in the fund to fund the department's implementation of this chapter.

(5) The department shall set fees authorized under this chapter in amounts that the department anticipates are necessary, in total, to cover the department's cost to implement this chapter.

Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Enacted by Chapter 1, 2018 Special Session 3

4-41a-105 Agreement with a tribe.

(1) As used in this section, "tribe" means a federally recognized Indian tribe or Indian band.

(2)

(a) In accordance with this section, the governor may enter into an agreement with a tribe to allow for the operation of a cannabis production establishment or a medical cannabis pharmacy on tribal land located within the state.
(b) An agreement described in Subsection (2)(a) may not exempt any person from the requirements of this chapter.
(c) The governor shall ensure that an agreement described in Subsection (2)(a):
(i) is in writing;
(ii) is signed by:
(A) the governor; and
(B) the governing body of the tribe that the tribe designates and has the authority to bind the tribe to the terms of the agreement;
(iii) states the effective date of the agreement;
(iv) provides that the governor shall renegotiate the agreement if the agreement is or becomes inconsistent with a state statute; and
(v) includes any accommodation that the tribe makes:
(A) to which the tribe agrees; and
(B) that is reasonably related to the agreement.
(d) Before executing an agreement under this Subsection (2), the governor shall consult with the department.
(e) At least 30 days before the execution of an agreement described in this Subsection (2), the governor or the governor's designee shall provide a copy of the agreement in the form in which the agreement will be executed to:
(i) the chairs of the Native American Legislative Liaison Committee; and
(ii) the Office of Legislative Research and General Counsel.

Amended by Chapter 273, 2023 General Session

4-41a-106 Severability clause.

(1) If a final decision of a court of competent jurisdiction holds invalid any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1 or the application of any provision of this title or Laws of Utah 2018, Third Special Session, Chapter 1 to any person or circumstance, the remaining provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 remain effective without the invalidated provision or application.
(2) The provisions of this title and Laws of Utah 2018, Third Special Session, Chapter 1 are severable.

Enacted by Chapter 1, 2018 Special Session 3

4-41a-107 Notice to prospective and current public employees.

(1)
(a) A state employer or a political subdivision employer shall take the action described in Subsection (1)(b) before:
(i) giving to a current employee an assignment or duty that arises from or directly relates to an obligation under this chapter; or
(ii) hiring a prospective employee whose assignments or duties would include an assignment or duty that arises from or directly relates to an obligation under this chapter.

(b) The employer described in Subsection (1)(a) shall give the employee or prospective employee described in Subsection (1)(a) a written notice that notifies the employee or prospective employee:
(i) that the employee's or prospective employee's job duties may require the employee or prospective employee to engage in conduct which is in violation of the criminal laws of the United States; and
(ii) that in accepting a job or undertaking a duty described in Subsection (1)(a), although the employee or prospective employee is entitled to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to carry out an assignment or duty that may be a violation of the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.
(2) The Division of Human Resource Management shall create, revise, and publish the form of the notice described in Subsection (1).
(3) Notwithstanding Subsection 67-21-3(3), an employee who has signed the notice described in Subsection (1) may not:
(a) claim in good faith that the employee's actions violate or potentially violate the laws of the United States with respect to the manufacture, sale, or distribution of cannabis; or
(b) refuse to carry out a directive that the employee reasonably believes violates the criminal laws of the United States with respect to the manufacture, sale, or distribution of cannabis.
(4) An employer of an employee who has signed the notice described in Subsection (1) may not take retaliatory action as defined in Section 67-19a-101 against a current employee who refuses to sign the notice described in Subsection (1).

Amended by Chapter 344, 2021 General Session

4-41a-109 Advertising.
(1) Except as provided in this chapter, a person may not advertise regarding the recommendation, sale, dispensing, or transportation of medical cannabis, including:
(a) a promotional discount or incentive;
(b) a particular medical cannabis product, medical cannabis device, medical cannabis brand, or medicinal dosage form; or
(c) an assurance of a medical outcome related to a medical cannabis treatment.
(2) Notwithstanding Subsection (1):
(a) a nonprofit organization that offers financial assistance for medical cannabis treatment to low-income patients may advertise the organization's assistance if the advertisement does not relate to a specific medical cannabis pharmacy or a specific medical cannabis product; and
(b) a medical cannabis pharmacy may provide information regarding subsidies for the cost of medical cannabis treatment to patients who affirmatively accept receipt of the subsidy information.
(3) To ensure that the name and logo of a licensee under this chapter have a medical rather than a recreational disposition, the name and logo of the licensee:
(a) may include terms and images associated with:
(i) a medical disposition, including "medical," "medicinal," "medicine," "pharmacy," "apothecary," "wellness," "therapeutic," "health," "care," "cannabis," "clinic," "compassionate," "relief," "treatment," and "patient;" or
(ii) the plant form of cannabis, including "leaf," "flower," and "bloom;" and
(b) may not include:

(i) any term, statement, design representation, picture, or illustration that is associated with a recreational disposition or that appeals to children;
(ii) an emphasis on a psychoactive ingredient;
(iii) a specific cannabis strain; or
(iv) terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganga," "Mary Jane," "high," "buzz," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."

(4) The department shall define standards for advertising authorized under this chapter, including names and logos in accordance with Subsection (3), to ensure a medical rather than recreational disposition.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Amended by Chapter 317, 2023 General Session

4-41a-110 Department coordination with the advisory board.

The department shall:
(1) provide draft rules made under this chapter to the advisory board for the advisory board's review;
(2) consult with the advisory board before issuing an additional:
(a) cultivation facility license under Section 4-41a-205; or
(b) pharmacy license under Section 4-41a-1005;
(3) consult with the advisory board regarding fees set by the department that pertain to the medical cannabis program; and
(4) when appropriate, consult with the advisory board regarding issues that arise in the medical cannabis program.

Enacted by Chapter 273, 2023 General Session

Part 2
Cannabis Production Establishment

4-41a-201 Cannabis production establishment -- License.

(1) Except as provided in Subsection (14), a person may not operate a cannabis production establishment without a license that the department issues under this chapter.
(2)
(a)
(i) Subject to Subsections (6), (7), (8), and (13) and to Section 4-41a-205, for a licensing process that the department initiates after March 17, 2021, the department, through the licensing board, shall issue licenses in accordance with Section 4-41a-201.1.
(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to specify a transparent and efficient process to:
(A) solicit applications for a license under this section;
(B) allow for comments and questions in the development of applications;

(C) timely and objectively evaluate applications;
(D) hold public hearings that the department deems appropriate; and
(E) select applicants to receive a license.
(iii) The department may not issue a license to operate a cannabis production establishment to an applicant who is not eligible for a license under this section.
(b) An applicant is eligible for a license under this section if the applicant submits to the licensing board:
(i) subject to Subsection (2)(c), a proposed name and each address, located in a zone described in Subsection 4-41a-406(2)(a) or (b), where the applicant will operate the cannabis production establishment;
(ii) the name and address of any individual who has:
(A) for a publicly traded company, a financial or voting interest of 10% or greater in the proposed cannabis production establishment;
(B) for a privately held company, a financial or voting interest in the proposed cannabis production establishment; or
(C) the power to direct or cause the management or control of a proposed cannabis production establishment;
(iii) an operating plan that:
(A) complies with Section 4-41a-204;
(B) includes operating procedures that comply with this chapter and any law the municipality or county in which the person is located adopts that is consistent with Section 4-41a-406; and
(C) the department or licensing board approves;
(iv) a statement that the applicant will obtain and maintain a liquid cash account with a financial institution or a performance bond that a surety authorized to transact surety business in the state issues in an amount of at least:
(A) $100,000 for each cannabis cultivation facility for which the applicant applies; or
(B) $50,000 for each cannabis processing facility or independent cannabis testing laboratory for which the applicant applies;
(v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
(vi) a description of any investigation or adverse action taken by any licensing jurisdiction, government agency, law enforcement agency, or court in any state for any violation or detrimental conduct in relation to any of the applicant's cannabis-related operations or businesses.
(c)
(i) A person may not locate a cannabis production establishment:
(A) within 1,000 feet of a community location; or
(B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.
(ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest entrance to the cannabis production establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.
(iii) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (2)(c)(i) by up to 20% if the licensing board determines that it is not reasonably feasible for the applicant to site the proposed cannabis production establishment without the waiver.

(iv) An applicant for a license under this section shall provide evidence of compliance with the proximity requirements described in Subsection (2)(c)(i).

(3) If the licensing board approves an application for a license under this section and Section 4-41a-201.1:

(a) the applicant shall pay the department an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

(b) the department shall notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii).

(4)

(a) Except as provided in this Subsection (4), a cannabis production establishment shall obtain a separate license for each type of cannabis production establishment and each location of a cannabis production establishment.

(b) The licensing board may issue a cannabis cultivation facility license and a cannabis processing facility license to a person to operate at the same physical location or at separate physical locations.

(c) A cannabis cultivation facility may operate at two addresses under a single license.

(d) A tier one cannabis processing facility may operate at a second address under the same tier one license if:

(i) the second address is co-located at a cannabis cultivation facility operated by the same licensee; and

(ii) the licensee pays a fee of $70,000 for the second location.

(e) An applicant for a tier two cannabis processing facility license that has a cannabis cultivation facility license and intends to process cannabis at the cannabis cultivation facility shall pay a fee of $25,000 for the tier two cannabis processing facility license.

(5) If the licensing board receives more than one application for a cannabis production establishment within the same city or town, the licensing board shall consult with the local land use authority before approving any of the applications pertaining to that city or town.

(6) The licensing board may not issue a license to operate an independent cannabis testing laboratory to a person who:

(a) holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility;

(b) has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility; or

(c) proposes to operate the independent cannabis testing laboratory at the same physical location as a medical cannabis pharmacy, a cannabis processing facility, or a cannabis cultivation facility.

(7) The licensing board may not issue a license to operate a cannabis production establishment to an applicant if any individual described in Subsection (2)(b)(ii):

(a) has been convicted under state or federal law of:

(i) a felony in the preceding 10 years; or

(ii) after December 3, 2018, a misdemeanor for drug distribution;

(b) is younger than 21 years old; or

(c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

(8)

(a) If an applicant for a cannabis production establishment license under this section holds a license under Title 4, Chapter 41, Hemp and Cannabinoid Act, the licensing board may not give preference to the applicant based on the applicant's status as a holder of the license.

(b) If an applicant for a license to operate a cannabis cultivation facility under this section holds a license to operate a medical cannabis pharmacy under this title, the licensing board may give consideration to the applicant based on the applicant's status as a holder of a medical cannabis pharmacy license if:

(i) the applicant demonstrates that a decrease in costs to patients is more likely to result from the applicant's vertical integration than from a more competitive marketplace; and

(ii) the licensing board finds multiple other factors, in addition to the existing license, that support granting the new license.

(9) The licensing board may revoke a license under this part:

(a) if the cannabis production establishment does not begin cannabis production operations within one year after the day on which the licensing board issues the initial license;

(b) after the third of the same violation of this chapter in any of the licensee's licensed cannabis production establishments or medical cannabis pharmacies;

(c) if any individual described in Subsection (2)(b) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

(ii) after December 3, 2018, a misdemeanor for drug distribution;

(d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of application, or fails to supplement the information described in Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the application within 14 calendar days after the licensee receives notice of the investigation or adverse action;

(e) if the cannabis production establishment demonstrates a willful or reckless disregard for the requirements of this chapter or the rules the department makes in accordance with this chapter;

(f) if, after a change of ownership described in Subsection (15)(b), the board determines that the cannabis production establishment no longer meets the minimum standards for licensure and operation of the cannabis production establishment described in this chapter;

(g) for an independent cannabis testing laboratory, if the independent cannabis testing laboratory fails to substantially meet the performance standards described in Subsection (14)(b); or

(h) if, following an investigation conducted pursuant to Subsection 4-41a-201.1(11), the board finds that the licensee has participated in an anticompetitive business practice.

(10)

(a) A person who receives a cannabis production establishment license under this chapter, if the municipality or county where the licensed cannabis production establishment will be located requires a local land use permit, shall submit to the licensing board a copy of the licensee's approved application for the land use permit within 120 days after the day on which the licensing board issues the license.

(b) If a licensee fails to submit to the licensing board a copy of the licensee's approved land use permit application in accordance with Subsection (10)(a), the licensing board may revoke the licensee's license.

(11) The department shall deposit the proceeds of a fee that the department imposes under this section into the Qualified Production Enterprise Fund.

(12) The department shall begin accepting applications under this part on or before January 1, 2020.

(13)

(a) The department's authority, and consequently the licensing board's authority, to issue a license under this section is plenary and is not subject to review.

(b) Notwithstanding Subsection (2)(a)(ii)(A), the decision of the department to award a license to an applicant is not subject to:
(i) Title 63G, Chapter 6a, Part 16, Protests; or
(ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.
(14)
(a) Notwithstanding this section, the department:
(i) may operate or partner with a research university to operate an independent cannabis testing laboratory;
(ii) if the department operates or partners with a research university to operate an independent cannabis testing laboratory, may not cease operating or partnering with a research university to operate the independent cannabis testing laboratory unless:
(A) the department issues at least two licenses to independent cannabis testing laboratories; and
(B) the department has ensured that the licensed independent cannabis testing laboratories have sufficient capacity to provide the testing necessary to support the state's medical cannabis market; and
(iii) after ceasing department or research university operations under Subsection (14)(a)(ii) shall resume independent cannabis testing laboratory operations at any time if:
(A) fewer than two licensed independent cannabis testing laboratories are operating; or
(B) the licensed independent cannabis testing laboratories become, in the department's determination, unable to fully meet the market demand for testing.
(b)
(i) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish performance standards for the operation of an independent cannabis testing laboratory, including deadlines for testing completion.
(ii) A license that the department issues to an independent cannabis testing laboratory is contingent upon substantial satisfaction of the performance standards described in Subsection (14)(b)(i), as determined by the board.
(15)
(a) A cannabis production establishment license is not transferrable or assignable.
(b) If the ownership of a cannabis production establishment changes by 50% or more:
(i) the cannabis production establishment shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);
(ii) within 30 days of the submission of the application, the board shall:
(A) conduct the application review described in Section 4-41a-201.1; and
(B) award a license to the cannabis production establishment for the remainder of the term of the cannabis production establishment's license before the ownership change if the cannabis production establishment meets the minimum standards for licensure and operation of the cannabis production establishment described in this chapter; and
(iii) if the board approves the license application, notwithstanding Subsection (3), the cannabis production establishment shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the board's cost of conducting the application review.

Amended by Chapter 414, 2025 General Session

4-41a-201.1 Cannabis Production Establishment and Pharmacy Licensing Advisory Board -- Composition -- Duties.

(1) There is created within the department the Cannabis Production Establishment and Pharmacy Licensing Advisory Board.
(2) The commissioner shall:
(a) appoint the members of the licensing board;
(b) submit the name of each individual that the commissioner appoints under Subsection (2)(a) to the governor for confirmation or rejection; and
(c) if the governor rejects an appointee that the commissioner submits under Subsection (2)(b), appoint another individual in accordance with this Subsection (2).
(3)
(a) Except as provided in Subsection (3)(b), the licensing board shall consist of the following eight members:
(i) the following seven voting members whom the commissioner appoints:
(A) one member of the public;
(B) one member with knowledge and experience in the pharmaceutical or nutraceutical manufacturing industry;
(C) one member representing law enforcement;
(D) one member whom an organization representing medical cannabis patients recommends;
(E) a chemist who has experience with cannabis and who is associated with a research university;
(F) a pharmacist who is not associated with the medical cannabis industry; and
(G) an accountant; and
(ii) the commissioner or the commissioner's designee as a non-voting member, except to cast a deciding vote in the event of a tie.
(b) The commissioner may appoint a ninth member to the licensing board who has a background in the cannabis cultivation and processing industry.
(c) The commissioner or the commissioner's designee shall serve as the chair of the licensing board.
(d) An individual is not eligible for appointment to be a member of the licensing board if the individual:
(i) has any commercial or ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier;
(ii) has an owner, officer, director, or employee whose family member holds a license or has an ownership interest in a cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier; or
(iii) is employed or contracted to lobby on behalf of any cannabis production establishment, medical cannabis pharmacy, or medical cannabis courier.
(4)
(a) Except as provided in Subsection (4)(b), a voting licensing board member shall serve a term of four years, beginning July 1 and ending June 30.
(b) Notwithstanding Subsection (4)(a), for the initial appointments to the licensing board, the commissioner shall stagger the length of the terms of licensing board members to ensure that the commissioner appoints two or three licensing board members every two years.
(c) As a licensing board member's term expires:
(i) the licensing board member is eligible for reappointment; and
(ii) the commissioner shall make an appointment, in accordance with Subsection (2), for the new term before the end of the member's term.

(d) When a vacancy occurs on the licensing board for any reason other than the expiration of a licensing board member's term, the commissioner shall appoint a replacement to the vacant position, in accordance with Subsection (2), for the unexpired term.
(e) In making appointments, the commissioner shall ensure that no two members of the licensing board are employed by or represent the same company or nonprofit organization.
(f) The commissioner may remove a licensing board member for cause, neglect of duty, inefficiency, or malfeasance.
(5)
(a)
(i) Five members of the licensing board constitute a quorum of the licensing board.
(ii) An action of the majority of the licensing board members when a quorum is present constitutes an action of the licensing board.
(b) The department shall provide staff support to the licensing board.
(c) A member of the licensing board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
(6) The licensing board shall:
(a) meet as called by the chair to review cannabis production establishment, medical cannabis pharmacy, and medical cannabis courier license applications;
(b) review each license application for compliance with:
(i) this chapter; and
(ii) department rules;
(c) conduct a public hearing to consider the license application;
(d) approve the department's license application forms and checklists; and
(e) make a determination on each license application.
(7) The licensing board shall hold a public hearing to review a cannabis production establishment's or medical cannabis pharmacy's license if the establishment:
(a) changes ownership by an interest of 20% or more;
(b) changes or adds a location;
(c) upgrades to a different licensing tier under department rule;
(d) changes extraction or formulation standard operating procedures;
(e) adds an industrial hemp processing or cultivation license to the same location as the cannabis production establishment's processing facility; or
(f) as necessary based on the recommendation of the department.
(8) In a public hearing held under Subsection (7), the licensing board may consider the following in determining whether to approve a request to change pharmacy locations:
(a) medical cannabis availability, quality, and variety;
(b) whether geographic dispersal among licensees is sufficient to reasonably maximize access to the largest number of medical cannabis cardholders;
(c) the extent to which the pharmacy can increase efficiency and reduce the cost to patients of medical cannabis; and
(d) the factors listed in Subsection 4-41a-1004(7).
(9) In a public hearing held pursuant to Subsection (7), the licensing board may not approve a request to change a medical cannabis pharmacy location outside of the pharmacy's current region established under Subsection 4-41a-1005(1)(c)(ii)(A).

(10)
(a) The licensing board shall meet as necessary to consider cannabis production establishment, medical cannabis pharmacy, and medical cannabis courier license renewal applications.
(b) During the meeting described in Subsection (10)(a):
(i) a representative from each applicant for renewal shall:
(A) attend in person or electronically; or
(B) submit information before the meeting, as the licensing board may require, for the licensing board's consideration;
(ii) the licensing board shall consider, for each cannabis cultivation facility seeking renewal, information including:
(A) the amount of biomass the licensee produced during the current calendar year;
(B) the amount of biomass the licensee projects to produce during the following year;
(C) the amount of hemp waste the licensee currently holds;
(D) the current square footage or acres of growing area the licensee uses; and
(E) the square footage or acres of growing area the licensee projects to use in the following year;
(iii) the licensing board shall consider, for each cannabis processing facility seeking renewal, information including:
(A) methods and procedures for extraction;
(B) standard operating procedures; and
(C) a complete listing of the medical dosage forms that the licensee produces; and
(iv) the licensing board shall consider, for each cannabis pharmacy seeking renewal, information including:
(A) product availability, quality, and variety;
(B) the pharmacy's operating procedures and practices; and
(C) the factors listed in Subsection 4-41a-1003(1).
(c) Following consideration of the information provided under Subsection (10)(b), the licensing board may elect to approve, deny, or issue conditional approval of a cannabis production establishment or pharmacy license renewal application.
(d) The information a licensee or license applicant provides to the licensing board for a license determination constitutes a protected record under Subsection 63G-2-305(1) or (2) if the applicant or licensee provides the licensing board with the information regarding business confidentiality required in Section 63G-2-309.
(11)
(a) In cooperation with the attorney general, the licensing board may investigate information received by the department indicating that a licensee is potentially engaging in anticompetitive business practices.
(b) In investigating potential anticompetitive business practices under this section, the attorney general may issue civil investigative demands as set forth in Section 76-16-506.
(12) The department shall:
(a) provide staff support for the licensing board;
(b) assist the licensing board in conducting meetings; and
(c) review all submitted applications for completion and accuracy.

Amended by Chapter 414, 2025 General Session

4-41a-202 Cannabis production establishment owners and directors -- Criminal background checks.

(1) Each applicant for a license as a cannabis production establishment shall submit to the department, at the time of application, from each individual who has a financial or voting interest of 10% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:
  (a) a fingerprint card in a form acceptable to the Department of Public Safety;
  (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
  (c) consent to a fingerprint background check by:
    (i) the Utah Bureau of Criminal Identification; and
    (ii) the Federal Bureau of Investigation.
(2) The Bureau of Criminal Identification shall:
  (a) check the fingerprints the applicant submits under Subsection (1) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
  (b) report the results of the background check to the department;
  (c) maintain a separate file of fingerprints that applicants submit under Subsection (1) for search by future submissions to the local and regional criminal records databases, including latent prints;
  (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and
  (e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.
(3) The department shall:
  (a) assess an individual who submits fingerprints under Subsection (1) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and
  (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.

Amended by Chapter 217, 2024 General Session

4-41a-203 Renewal.

The department shall renew a license issued under Section 4-41a-201 every year if:
(1) the licensee meets the requirements of Section 4-41a-201 at the time of renewal;
(2) the board does not identify:
  (a) a significant failure of compliance with this chapter or department rules in the review described in Section 4-41a-201.1; or
  (b) grounds for revocation described in Subsections 4-41a-201(9)(b) through (g);
(3) the licensee pays the department a license renewal fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
(4) if the cannabis production establishment changes the operating plan described in Section 4-41a-204 that the department or licensing board approved under Subsection 4-41a-201(2)(b)(iii), the department approves the new operating plan.

Amended by Chapter 290, 2022 General Session
Amended by Chapter 350, 2021 General Session

4-41a-204 Operating plan.

(1) A person applying for a cannabis production establishment license or license renewal shall submit to the department for the department's review a proposed operating plan that complies with this section and that includes:

(a) a description of the physical characteristics of each proposed facility, including a floor plan and an architectural elevation;

(b) a description of the credentials and experience of:

(i) each officer, director, and owner of the proposed cannabis production establishment; and

(ii) any highly skilled or experienced prospective employee;

(c) the cannabis production establishment's employee training standards;

(d) a security plan;

(e) a description of the cannabis production establishment's inventory control system, including a description of how the inventory control system is compatible with the state electronic verification system described in Section 26B-4-202;

(f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis;

(g) for a cannabis cultivation facility, the information described in Subsection (2);

(h) for a cannabis processing facility, the information described in Subsection (3);

(i) for an independent cannabis testing laboratory, the information described in Subsection (4); and

(j) for a cannabis production establishment located in an industrial zone, a plan to reduce odor created by the cannabis production establishment that:

(i) meets local ordinance nuisance laws; and

(ii) identifies:

(A) operations and materials that generate odors; and

(B) equipment, operations, or materials the cannabis production establishment will use to mitigate odor emissions, including plans to maintain equipment.

(2)

(a) A cannabis cultivation facility shall ensure that the facility's operating plan includes the facility's intended:

(i) cannabis cultivation practices, including the facility's intended pesticide use and plant food use; and

(ii) subject to Subsection (2)(b), acreage or square footage under cultivation and anticipated cannabis yield.

(b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility may not:

(i) for a facility that cultivates cannabis only indoors, use more than 100,000 total square feet of cultivation space;

(ii) for a facility that cultivates cannabis only outdoors, use more than four acres for cultivation; and

(iii) for a facility that cultivates cannabis through a combination of indoor and outdoor cultivation, use more combined indoor square footage and outdoor acreage than allowed under the department's formula described in Subsection (2)(e).

(c)

(i) Each licensee may apply to the department for:

(A) a one-time, permanent increase of up to 20% of the limitation on the cannabis cultivation facility's cultivation space; or

(B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation on the cannabis cultivation facility's cultivation space.

(ii) After conducting a review equivalent to the review described in Subsection 4-41a-205(2)(a), if the department determines that additional cultivation is needed, the department may:

(A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or

(B) grant the short-term increase described in Subsection (2)(c)(i)(B).

(d) If a licensee describes an intended acreage or square footage under cultivation under Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the licensee may not cultivate more than the licensee's identified intended acreage or square footage under cultivation.

(e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a formula for combined usage of indoor and outdoor cultivation that:

(i) does not exceed, in estimated cultivation yield, the aggregate limitations described in Subsection (2)(b)(i) or (ii); and

(ii) allows a cannabis cultivation facility to operate both indoors and outdoors.

(f)

(i) The department may authorize a cannabis cultivation facility to operate at no more than two separate locations.

(ii) If the department authorizes multiple locations under Subsection (2)(f)(i), the two cannabis cultivation facility locations combined may not exceed the cultivation limitations described in this Subsection (2).

(3) A cannabis processing facility's operating plan shall include the facility's intended cannabis processing practices, including the cannabis processing facility's intended:

(a) offered variety of cannabis product;

(b) cannabinoid extraction method;

(c) cannabinoid extraction equipment;

(d) processing equipment;

(e) processing techniques; and

(f) sanitation and manufacturing safety procedures for items for human consumption.

(4) An independent cannabis testing laboratory's operating plan shall include the laboratory's intended:

(a) cannabis and cannabis product testing capability;

(b) cannabis and cannabis product testing equipment; and

(c) testing methods, standards, practices, and procedures for testing cannabis and cannabis products.

(5) Notwithstanding an applicant's proposed operating plan, a cannabis production establishment is subject to land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, regarding the availability of outdoor cultivation in an industrial zone.

Amended by Chapter 91, 2025 General Session
Amended by Chapter 128, 2025 General Session
Amended by Chapter 414, 2025 General Session

4-41a-204.1 Odor control recommendations.

(1) As used in this section, "objectionable odor" means pollution of the ambient air beyond the property line of a facility consisting of an odor that, considering the odor's characteristics, intensity, frequency, and duration:

(a) is, or can reasonably be expected to be, injurious to public health or welfare; or
(b) unreasonably interferes with the enjoyment of life or the use of a person's property that is exposed to the odor.

(2)
(a) Before January 1, 2026, the department shall provide a report with recommendations to the Medical Cannabis Governance Structure Working Group created in Section 36-12-8.2 regarding objectionable odor control standards for cannabis production establishments.
(b) The department shall:
(i) work with a cannabis production establishment to monitor odor emitted by the cannabis production establishment; and
(ii) consult with each county and municipality that currently has a cannabis production establishment sited within the county or municipality's boundaries regarding potential standards for the maximum amounts of objectionable odors emitted by a cannabis production establishment.
(c) A cannabis production establishment shall provide information related to the cannabis production establishment's odor emissions to the department upon request.
(d) The report shall include an analysis regarding:
(i) potential standards for measurement of objectionable odors related to cannabis production and distinct levels of odor tolerability;
(ii) the feasibility of setting a universal odor control standard;
(iii) the feasibility of enforcing odor control standards;
(iv) cost incurred by a cannabis production establishment to comply with potential odor control standards;
(v) interests of other businesses and community members affected by objectionable odor; and
(vi) other information the department deems relevant.

(3) The department shall examine odor control regulation from other locales.
(4) The department may collaborate with other state agencies when creating the recommendations.

Enacted by Chapter 128, 2025 General Session

4-41a-205 Number of licenses -- Cannabis cultivation facilities.

(1) Except as provided in Subsection (2)(a), the department shall issue at least five but not more than eight licenses to operate a cannabis cultivation facility.

(2)
(a) The department may issue a number of licenses to operate a cannabis cultivation facility that, in addition to the licenses described in Subsection (1), does not cause the total number of licenses to exceed 15 if the department determines, in consultation with the Department of Health and Human Services and after an annual or more frequent analysis of the current and anticipated market for medical cannabis, that each additional license is necessary to provide an adequate supply, quality, or variety of medical cannabis to medical cannabis cardholders.
(b) If the recipient of one of the initial licenses described in Subsection (1) ceases operations for any reason or otherwise abandons the license, the department may but is not required to grant the vacant license to another applicant based on an analysis as described in Subsection (2)(a).

(3) If there are more qualified applicants than the number of available licenses for cannabis cultivation facilities under Subsections (1) and (2), the department shall evaluate the applicants

and award the limited number of licenses described in Subsections (1) and (2) to the applicants that best demonstrate:

(a) experience with establishing and successfully operating a business that involves:

(i) complying with a regulatory environment;

(ii) tracking inventory; and

(iii) training, evaluating, and monitoring employees;

(b) an operating plan that will best ensure the safety and security of patrons and the community;

(c) positive connections to the local community; and

(d) the extent to which the applicant can increase efficiency and reduce the cost to patients of medical cannabis.

(4) The department may conduct a face-to-face interview with an applicant for a license that the department evaluates under Subsection (3).

(5) The licensing board may not issue more than 18 tier one cannabis processing facility licenses.

Amended by Chapter 414, 2025 General Session

Part 3
Cannabis Production Establishments Agents

4-41a-301 Cannabis production establishment agent -- Registration.

(1) An individual may not act as a cannabis production establishment agent unless the department registers the individual as a cannabis production establishment agent, regardless of whether the individual is a seasonal, temporary, or permanent employee.

(2) The following individuals, regardless of the individual's status as a recommending medical provider, may not serve as a cannabis production establishment agent, have a financial or voting interest of 2% or greater in a cannabis production establishment, or have the power to direct or cause the management or control of a cannabis production establishment:

(a) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(b) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(c) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(d) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.

(3) An independent cannabis testing laboratory agent may not act as an agent for a medical cannabis pharmacy, a medical cannabis courier, a cannabis processing facility, or a cannabis cultivation facility.

(4)

(a) The department shall, within 15 business days after the day on which the department receives a complete application from a prospective cannabis production establishment agent, register and issue a cannabis production establishment agent registration card to the prospective agent if the prospective agent:

(i) provides to the department:

(A) the prospective agent's name and address;

(B) which cannabis production establishment agent designations the applicant desires; and

(C) the submission required under Subsection (4)(b); and

(ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

(b) Each prospective agent described in Subsection (4)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (4)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (4)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (4)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (4)(d)(i) to the Bureau of Criminal Identification.

(5)

(a) The department shall designate, on an individual's cannabis production establishment agent registration card

the type of cannabis production establishment for which the individual is authorized to act as an agent.

(b) When issuing a card under Subsection (5)(a) the department:

(i) may issue a cannabis production establishment agent registration card that contains both a cannabis processing facility designation and a cannabis cultivator facility designation; and

(ii) if the cannabis production establishment agent registration card will contain an independent cannabis testing laboratory designation, may not include any other designations.

(6) A cannabis production establishment agent shall comply with:

(a) a certification standard that the department develops; or

(b) a certification standard that the department has reviewed and approved.

(7)

(a) The department shall ensure that the certification standard described in Subsection (6) includes training:

(i) in Utah medical cannabis law;
(ii) for a cannabis cultivation facility agent, in cannabis cultivation best practices;
(iii) for a cannabis processing facility agent, in cannabis processing, manufacturing safety procedures for items for human consumption, and sanitation best practices; and
(iv) for an independent cannabis testing laboratory agent, in cannabis testing best practices.
(b) The department shall review the training described in Subsection (7)(a) annually or as often as necessary to ensure compliance with this section.
(8) For an individual who holds or applies for a cannabis production establishment agent registration card:
(a) the department may revoke or refuse to issue the card if the individual violates the requirements of this chapter; and
(b) the department shall revoke or refuse to issue the card if the individual is convicted under state or federal law of:
(i) a felony in the preceding 10 years; or
(ii) after December 3, 2018, a misdemeanor for drug distribution.
(9)
(a) A cannabis production establishment agent registration card expires two years after the day on which the department issues the card.
(b) A cannabis production establishment agent may renew the agent's registration card if the agent:
(i) is eligible for a cannabis production establishment registration card under this section;
(ii) certifies to the department in a renewal application that the information in Subsection (4)(a) is accurate or updates the information; and
(iii) pays to the department a renewal fee in an amount that:
(A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.
(10) A cannabis production establishment shall:
(a) maintain a list of each employee that holds a cannabis production establishment agent registration card; and
(b) provide the list to the department upon request.

Amended by Chapter 392, 2025 General Session

4-41a-302 Cannabis production establishment agent registration card -- Rebuttable presumption.

(1) A cannabis production establishment agent whom the department registers under Section 4-41a-301 shall carry the individual's cannabis production establishment agent registration card with the agent at all times when:
(a) the agent is on the premises of a cannabis production establishment where the agent is registered;
(b) the agent is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between:
(i) two cannabis production establishments; or
(ii) a cannabis production establishment and a medical cannabis pharmacy; and

(c) if the cannabis production establishment agent is an agent of a cannabis cultivation facility, the agent is transporting raw cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory.

(2) If a cannabis processing facility agent possesses cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device and produces the registration card in the agent's possession in compliance with Subsection (1) while handling, at a cannabis production establishment, or transporting the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

(a) there is a rebuttable presumption that the agent possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) a law enforcement officer does not have probable cause, based solely on the agent's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), to believe that the individual is engaging in illegal activity.

(3)

(a) A cannabis production establishment agent who fails to carry the agent's cannabis production establishment agent registration card in accordance with Subsection (1) is:

(i) for a first or second offense in a two-year period:

(A) guilty of an infraction; and

(B) subject to a $100 fine; or

(ii) for a third or subsequent offense in a two-year period:

(A) guilty of a class C misdemeanor; and

(B) subject to a $750 fine.

(b)

(i) The prosecuting entity shall notify the department and the relevant cannabis production establishment of each conviction under Subsection (3)(a).

(ii) For each violation described in Subsection (3)(a)(ii), the department may assess the relevant cannabis production establishment a fine of up to $5,000, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty for a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (3)(a).

Amended by Chapter 5, 2019 Special Session 1

Part 4
General Cannabis Production Establishment Operating Requirements

4-41a-401 Cannabis production establishment -- General operating requirements.

(1)

(a) A cannabis production establishment shall operate in accordance with the operating plan described in Sections 4-41a-201 and 4-41a-204.

(b) A cannabis production establishment shall notify the department before a change in the cannabis production establishment's operating plan.

(c)

(i) If a cannabis production establishment changes the cannabis production establishment's operating plan, the establishment shall ensure that the new operating plan complies with this chapter.
(ii) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a process to:
(A) review a change notification described in Subsection (1)(b);
(B) identify for the cannabis production establishment each point of noncompliance between the new operating plan and this chapter;
(C) provide an opportunity for the cannabis production establishment to address each identified point of noncompliance; and
(D) suspend or revoke a license if the cannabis production establishment fails to cure the noncompliance.
(2) A cannabis production establishment shall operate:
(a) except as provided in Subsection (5), in a facility that is accessible only by an individual with a valid cannabis production establishment agent registration card issued under Section 4-41a-301; and
(b) at the physical address provided to the department under Section 4-41a-201.
(3) A cannabis production establishment may not employ an individual who is younger than 21 years old.
(4) A cannabis production establishment may not employ an individual who has been convicted, under state or federal law, of:
(a) a felony in the preceding 10 years; or
(b) after December 3, 2018, a misdemeanor for drug distribution.
(5) A cannabis production establishment may authorize an individual who is at least 18 years old and is not a cannabis production establishment agent to access the cannabis production establishment if the cannabis production establishment:
(a) tracks and monitors the individual at all times while the individual is at the cannabis production establishment; and
(b) maintains a record of the individual's access, including arrival and departure.
(6) A cannabis production establishment shall operate in a facility that has:
(a) a single, secure public entrance;
(b) a security system with a backup power source that:
(i) detects and records entry into the cannabis production establishment; and
(ii) provides notice of an unauthorized entry to law enforcement when the cannabis production establishment is closed; and
(c) a lock or equivalent restrictive security feature on any area where the cannabis production establishment stores cannabis or a cannabis product.
(7)
(a) A cannabis production establishment shall maintain a video surveillance system that:
(i) tracks all handling and processing of cannabis or a cannabis product in the establishment;
(ii) is tamper proof; and
(iii) stores a video record for at least 45 days.
(b) A cannabis production establishment shall provide the department access to the video surveillance system upon request.

Amended by Chapter 414, 2025 General Session

4-41a-402 Inspections.

(1) The department may inspect the records and facility of a cannabis production establishment at any time during business hours to determine if the cannabis production establishment complies with this chapter.
(2)
(a) An inspection under this section may include:
(i) inspection of a site, facility, vehicle, book, record, paper, document, data, and other physical or electronic information;
(ii) questioning of any relevant individual;
(iii) observation of an independent cannabis testing laboratory's methods, standards, practices, and procedures;
(iv) the taking of a specimen of cannabis or cannabis products sufficient for testing purposes; or
(v) inspection of equipment, an instrument, a tool, or machinery, including a container or label.
(b) Notwithstanding Section 4-41a-404, an authorized department employee may possess and transport a specimen of cannabis or cannabis products for testing described in Subsection (2)(a).
(3) In making an inspection under this section, the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data.
(4) Failure to provide the department or the department's authorized agents immediate access to records and facilities during business hours in accordance with this section may result in:
(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
(b) license or registration suspension or revocation; or
(c) an immediate cessation of operations under a cease and desist order that the department issues.

Renumbered and Amended by Chapter 1, 2018 Special Session 3

4-41a-403 Advertising.
(1) Except as provided in this section and Section 4-41a-604, a cannabis production establishment may not advertise to the general public in any medium.
(2) A cannabis production establishment may advertise an employment opportunity at the cannabis production establishment.
(3)
(a) A cannabis production establishment may maintain a website that:
(i) contains information about the establishment and employees; and
(ii) except as provided in Subsection (3)(b), does not advertise any medical cannabis, cannabis products, or medical cannabis devices.
(b) A cannabis processing facility may:
(i) if the website has age verification mechanisms that effectively prevent access by individuals under 21 years old, maintain a website that contains:
(A) educational information regarding medical cannabis produced by the cannabis processing facility, including the certificate of analysis that is created by an independent cannabis testing facility; and
(B) where medical cannabis produced by the cannabis processing facility may be purchased in the state; and

(ii) engage in targeted marketing in accordance with Section 4-41a-604 for advertising a particular medical cannabis product, medical cannabis device, or medical cannabis brand.

(4)

(a) Notwithstanding any municipal or county ordinance prohibiting signage, a cannabis production establishment may use signage on the outside of the cannabis production establishment that:

(i) includes only:

(A) in accordance with Subsection (4)(b), the cannabis production establishment's name, logo, and hours of operation; and

(B) a green cross; and

(ii) complies with local ordinances regulating signage.

(b) The department shall define standards for a cannabis production establishment's name and logo to ensure a medical rather than recreational disposition.

(5)

(a) A cannabis production establishment may hold an educational event for the public or medical providers in accordance with this Subsection (5) and the rules described in Subsection (5)(c).

(b) A cannabis production establishment may not include in an educational event described in Subsection (5)(a):

(i) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;

(ii) any gift items or merchandise other than educational materials, as those terms are defined by the department;

(iii) any marketing for a specific product from the cannabis production establishment or any other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or

(iv) a presenter other than the following:

(A) a cannabis production establishment agent;

(B) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

(C) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;

(D) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(E) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or

(F) a state employee.

(c) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define the elements of and restrictions on the educational event described in Subsection (5)(a), including a minimum age of 21 years old for attendees.

Amended by Chapter 114, 2025 General Session

4-41a-404 Medical cannabis transportation.

(1)

(a) Except as provided in Part 12, Medical Cannabis Home Delivery and Couriers, the following individuals may transport cannabis or a cannabis product under this chapter:

(i) a cannabis production establishment agent;

(ii) a medical cannabis cardholder who is transporting a medical cannabis treatment that the cardholder is authorized to possess under this chapter;

(iii) a registered medical cannabis pharmacy agent;
(iv) a registered medical cannabis courier agent; and
(v) a registered pharmacy medical provider.
(b) Only an agent of a cannabis cultivation facility, when the agent is transporting cannabis plants to a cannabis processing facility or an independent cannabis testing laboratory, may transport unprocessed cannabis outside of a medicinal dosage form.
(2) Except for an individual with a valid medical cannabis card under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, who is transporting a medical cannabis treatment, an individual transporting cannabis or a cannabis product shall:
(a) be employed by the entity licensed under this chapter that is authorizing the transportation of the cannabis or cannabis product; and
(b) possess a transportation manifest that:
(i) includes a unique identifier that links the cannabis or cannabis product to a relevant inventory control system;
(ii) includes origin and destination information for any cannabis or cannabis product that the individual is transporting; and
(iii) identifies the departure and arrival times and locations of the individual transporting the cannabis or cannabis product.
(3)
(a) In addition to the requirements in Subsections (1) and (2), the department may establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting cannabis or cannabis product to ensure that the cannabis or cannabis product remains safe for human consumption.
(b) The transportation described in Subsection (3)(a) is limited to transportation:
(i) between a cannabis production establishment and another cannabis production establishment;
(ii) between a cannabis processing facility and a medical cannabis pharmacy; and
(iii) a medical cannabis pharmacy and:
(A) another medical cannabis pharmacy; or
(B) for a medical cannabis shipment, a delivery address.
(4)
(a) It is unlawful for a registered cannabis production establishment agent to make a transport described in this section with a manifest that does not meet the requirements of this section.
(b) Except as provided in Subsection (4)(d), an agent who violates Subsection (4)(a) is:
(i) guilty of an infraction; and
(ii) subject to a $100 fine.
(c) An individual who is guilty of a violation described in Subsection (4)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (4)(b).
(d) If the agent described in Subsection (4)(a) is transporting more cannabis or cannabis product than the manifest identifies, except for a de minimis administrative error:
(i) the penalty described in Subsection (4)(b) does not apply; and
(ii) the agent is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.
(5) Nothing in this section prevents the department from taking administrative enforcement action against a cannabis production establishment, medical cannabis pharmacy, medical cannabis courier, or another person for failing to make a transport in compliance with the requirements of this section.

(6) An individual other than an individual described in Subsection (1) may transport a medical cannabis device within the state if the transport does not also contain medical cannabis.

Amended by Chapter 273, 2023 General Session
Amended by Chapter 313, 2023 General Session
Amended by Chapter 327, 2023 General Session

4-41a-405 Excess and disposal.

(1) As used in this section, "medical cannabis waste" means waste and unused material from the cultivation and production of medical cannabis.
(2) A cannabis production establishment shall:
  (a) render medical cannabis waste unusable and unrecognizable before transporting the medical cannabis waste from the cannabis production establishment; and
  (b) dispose of medical cannabis waste in accordance with:
    (i) federal and state laws, rules, and regulations related to hazardous waste;
    (ii) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;
    (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
    (iv) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(3) An individual may not transport or dispose of medical cannabis waste other than as provided in this section.

Enacted by Chapter 1, 2018 Special Session 3

4-41a-406 Local control.

(1) As used in this section:
  (a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.
  (b) "Land use application" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
  (c) "Land use decision" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
  (d) "Land use permit" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
  (e) "Land use regulation" means the same as that term is defined in Sections 10-9a-103 and 17-27a-103.
(2)
  (a) If a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use.
  (b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the operation of a cannabis production establishment shall be a permitted agricultural use in any agricultural zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one

agricultural zone in which the operation of a cannabis production establishment is a permitted use.

(c) The operation of a cannabis production establishment shall be a permitted use on land that the municipality or county has not zoned.

(3) A municipality or county may not:

(a) on the sole basis that the applicant, or cannabis production establishment violates federal law regarding the legal status of cannabis, deny or revoke:

(i) a land use permit to operate a cannabis production facility; or

(ii) a business license to operate a cannabis production facility; or

(b) require a certain distance between a cannabis production establishment and:

(i) another cannabis production establishment;

(ii) a medical cannabis pharmacy;

(iii) a retail tobacco specialty business, as that term is defined in Section 26B-7-501; or

(iv) an outlet, as that term is defined in Section 32B-1-202.

(4)

(a) Subject to the provisions of this section, when evaluating and approving a land use application for a cannabis production establishment:

(i) a municipality shall comply with Section 10-9a-509; and

(ii) a county shall comply with Section 17-27a-508.

(b) An applicant for a land use permit to operate a cannabis production establishment shall comply with the land use requirements and application process described in:

(i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and

(ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Amended by Chapter 128, 2025 General Session

Part 5
Cannabis Cultivation Facility Operating Requirements

4-41a-501 Cannabis cultivation facility -- Operating requirements.

(1) A cannabis cultivation facility shall ensure that any cannabis growing at the cannabis cultivation facility is not visible from the ground level of the cannabis cultivation facility perimeter.

(2) A cannabis cultivation facility shall use a unique identifier that is connected to the facility's inventory control system to identify:

(a) beginning at the time a cannabis plant is eight inches tall and has a root ball, each cannabis plant;

(b) each unique harvest of cannabis plants;

(c) each batch of cannabis the facility transfers to a medical cannabis pharmacy, a cannabis processing facility, or an independent cannabis testing laboratory; and

(d) any excess, contaminated, or deteriorated cannabis of which the cannabis cultivation facility disposes.

(3) A cannabis cultivation facility shall identify cannabis biomass as cannabis byproduct or cannabis plant product before transferring the cannabis biomass from the facility.

(4) A cannabis cultivation facility shall either:

(a) ensure that a cannabis processing facility chemically or physically processes cannabis cultivation byproduct to produce a cannabis concentrate for incorporation into cannabis derivative products; or
(b) destroy cannabis cultivation byproduct in accordance with Section 4-41a-405.
(5) A cannabis cultivation facility may utilize radiation-based methods and equipment for quality assurance or remediation purposes.
(6) The department shall make rules establishing:
(a) the records a cannabis cultivation facility must keep regarding each batch, amount of product treated, and the methods used; and
(b) disclosure requirements to a cannabis processor receiving the material subject to the radiation including the methods and equipment used.

Amended by Chapter 114, 2025 General Session

4-41a-502 Cannabis -- Labeling and child-resistant packaging.
(1) For any cannabis that a cannabis cultivation facility cultivates or otherwise produces and subsequently ships to another cannabis production establishment, the facility shall:
(a) label the cannabis with a label that has a unique batch identification number that is connected to the inventory control system; and
(b) package the cannabis in a container that is:
(i) tamper evident; and
(ii) not appealing to children.
(2) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to further define standards regarding containers that may appeal to children under Subsection (1)(b)(ii).

Amended by Chapter 290, 2022 General Session
Renumbered and Amended by Chapter 1, 2018 Special Session 3

Part 6
Cannabis Processing Facility Operating Requirements

4-41a-601 Cannabis processing facility -- Operating requirements -- General.
A cannabis processing facility shall ensure that a cannabis product the cannabis processing facility sells complies with the requirements of this part.

Renumbered and Amended by Chapter 1, 2018 Special Session 3

4-41a-602 Cannabis product -- Labeling and child-resistant packaging.
(1) For any cannabis product that a cannabis processing facility processes or produces and for any raw cannabis that the facility packages, the facility shall:
(a) label the cannabis or cannabis product with a label that:
(i) clearly and unambiguously states that the cannabis product or package contains cannabis;
(ii) clearly displays the amount of total composite tetrahydrocannabinol, cannabidiol, and any known cannabinoid that is greater than 1% of the total cannabinoids contained in the cannabis or cannabis product as determined under Subsection 4-41a-701(4);

(iii) has a unique identification number that:
(A) is connected to the inventory control system; and
(B) identifies the unique cannabis product manufacturing process the cannabis processing facility used to manufacture the cannabis product;
(iv) identifies the cannabinoid extraction process that the cannabis processing facility used to create the cannabis product;
(v) does not display an image, word, or phrase that the facility knows or should know appeals to children; and
(vi) discloses each active or potentially active ingredient, in order of prominence, and possible allergen; and
(b) package the raw cannabis or cannabis product in a medicinal dosage form in a container that:
(i) is tamper evident and tamper resistant;
(ii) does not appeal to children;
(iii) does not mimic a candy container;
(iv) complies with child-resistant effectiveness standards that the United States Consumer Product Safety Commission establishes;
(v) includes a warning label that states:
(A) for a container labeled on or after January 1, 2024, "WARNING: Cannabis has intoxicating effects, may be addictive, and may increase risk of mental illness. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a recommending medical provider."; or
(B) for a container labeled on or after January 1, 2026, "WARNING: Cannabis use by pregnant or breastfeeding women, may result in fetal injury, preterm birth, or developmental problems for the child. Cannabis may be addictive and may increase risk of mental illness. Do not operate a vehicle or machinery under its influence. KEEP OUT OF REACH OF CHILDREN. This product is for medical use only. Use only as directed by a recommending medical provider."; and
(vi) for raw cannabis or a cannabis product sold in a vaporizer cartridge labeled on or after May 3, 2023, includes a warning label that states:
(A) "WARNING: Vaping of cannabis-derived products has been associated with lung injury."; and
(B) "WARNING: Inhalation of cannabis smoke has been associated with lung injury.".
(2) To ensure that a cannabis product that a cannabis processing facility processes or produces has a medical rather than recreational disposition, the facility may not produce or process a product whose logo, product name, or brand name includes terms related to recreational marijuana, including "weed," "pot," "reefer," "grass," "hash," "ganja," "Mary Jane," "high," "haze," "stoned," "joint," "bud," "smoke," "euphoria," "dank," "doobie," "kush," "frost," "cookies," "rec," "bake," "blunt," "combust," "bong," "budtender," "dab," "blaze," "toke," or "420."
(3) For any cannabis or cannabis product that the cannabis processing facility processes into a gelatinous cube, gelatinous rectangular cuboid, or lozenge in a cube or rectangular cuboid shape, the facility shall:
(a) ensure that the label described in Subsection (1)(a) does not contain a photograph or other image of the content of the container; and
(b) include on the label described in Subsection (1)(a) a warning about the risks of over-consumption.
(4) For any cannabis product that contains an artificially derived cannabinoid, the cannabis processing facility shall ensure that the label clearly:

(a) identifies each artificially derived cannabinoid; and
(b) identifies that each artificially derived cannabinoid is an artificially derived cannabinoid.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department:
(a) shall make rules to establish:
(i) a standard labeling format that:
(A) complies with the requirements of this section; and
(B) ensures inclusion of a pharmacy label; and
(ii) additional requirements on packaging for cannabis and cannabis products to ensure safety and product quality; and
(b) may make rules to further define standards regarding images, words, phrases, or containers that may appeal to children under Subsection (1)(a)(v) or (1)(b)(ii).

Amended by Chapter 392, 2025 General Session

4-41a-603 Cannabis product -- Product quality.
(1) A cannabis processing facility:
(a) may not produce a cannabis product in a physical form that:
(i) the facility knows or should know appeals to children;
(ii) is designed to mimic or could be mistaken for a candy product; or
(iii) for a cannabis product used in vaporization, includes a candy-like flavor or another flavor that the facility knows or should know appeals to children;
(b) notwithstanding Subsection (1)(a)(iii), may produce a concentrated oil with a flavor that the department approves to facilitate minimizing the taste or odor of cannabis; and
(c) shall ensure that batch heavy metal testing is conducted on any vaporizer cartridge that is used with a cannabis product.
(2) A cannabis product may vary in the cannabis product's labeled cannabinoid profile by up to 10% of the indicated amount of a given cannabinoid, by weight.
(3) A cannabis processing facility shall isolate any artificially derived cannabinoid to a purity of greater than 95%, as determined by an independent cannabis testing laboratory using liquid chromatography-mass spectroscopy or an equivalent method.
(4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) adopt human safety standards for the manufacturing of cannabis products that are consistent with best practices for the use of cannabis; and
(b) further define standards regarding products that may appeal to children under Subsection (1)(a).
(5) Nothing in this section prohibits a sugar coating on a gelatinous cube, gelatinous rectangular cuboid, or lozenge to mask the product's taste, subject to the limitations on form and appearance described in Subsections (1)(a) and (4)(b).

Amended by Chapter 313, 2023 General Session

4-41a-604 Advertising.
In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules establishing conditions under which a cannabis processing facility may engage in targeted marketing.

Enacted by Chapter 217, 2024 General Session

Part 7
Independent Cannabis Testing Laboratories

4-41a-701 Cannabis and cannabis product testing.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to:
  (a) determine required adulterant tests for a cannabis plant product, cannabis concentrate, or cannabis product;
  (b) determine the amount of any adulterant that is safe for human consumption;
  (c) immediately ban or limit the presence of any ingredient in a medical cannabis product after receiving a recommendation to do so from a public health authority under Section 26B-1-102;
  (d) establish protocols for a recall of medical cannabis by a cannabis production establishment; or
  (e) allow the propagation of testing results forward to derived product if the processing steps the cannabis production establishment uses to produce the product are unlikely to change the results of the test.

(2)
  (a) The department may require testing for a toxin if:
    (i) the department receives information indicating the potential presence of a toxin; or
    (ii) the department's inspector has reason to believe a toxin may be present based on the inspection of a facility.
  (b) The department may not require a cannabis processor to test a cannabis batch or a cannabis product batch a third time if the cannabis batch or cannabis product has previously met all testing requirements after being tested by:
    (i) an independent cannabis testing laboratory that is not the department; and
    (ii) the department.

(3)
  (a) A cannabis production establishment may not:
    (i) incorporate cannabis concentrate into a cannabis derivative product until an independent cannabis testing laboratory tests the cannabis concentrate in accordance with department rule; or
    (ii) transfer cannabis or a cannabis product to a medical cannabis pharmacy until an independent cannabis testing laboratory tests a representative sample of the cannabis or cannabis product in accordance with department rule.
  (b) A medical cannabis pharmacy may not offer any cannabis or cannabis product for sale unless an independent cannabis testing laboratory has tested a representative sample of the cannabis or cannabis product in accordance with department rule.

(4) Before the sale of a medical cannabis product, an independent cannabis testing laboratory shall:
  (a) identify and quantify any cannabinoid known to be present in the medical cannabis product; and
  (b) test terpene profiles for the following products:
    (i) raw cannabis; or
    (ii) a cannabis product:
      (A) contained in a vaporizer cartridge; or

(B) in concentrate form; and
(c) record the five highest terpene profiles tested under Subsection (4)(b).
(5) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the standards, methods, practices, and procedures for the testing of cannabis and cannabis products by independent cannabis testing laboratories.
(6) The department may require an independent cannabis testing laboratory to participate in a proficiency evaluation that the department conducts or that an organization that the department approves conducts.

Amended by Chapter 114, 2025 General Session

4-41a-702 Reporting -- Inspections -- Seizure by the department.
(1) If an independent cannabis testing laboratory determines that the results of a lab test indicate that a cannabis or cannabis product batch may be unsafe for human use:
(a) the independent cannabis testing laboratory shall report the results and the cannabis or cannabis product batch to:
(i) the department; and
(ii) the cannabis production establishment that prepared the cannabis or cannabis product batch;
(b) the department shall place a hold on the cannabis or cannabis product batch to:
(i) investigate the cause of the defective batch; and
(ii) make a determination; and
(c) the cannabis production establishment that prepared the cannabis or cannabis product batch may appeal the determination described in Subsection (1)(b)(ii) to the department.
(2) If the department determines, under Subsection (1)(b)(ii) or following an appeal under Subsection (1)(c), that a cannabis or cannabis product prepared by a cannabis production establishment is unsafe for human consumption, the department may seize, embargo, or destroy, in the same manner as a cannabis production establishment under Section 4-41a-405, the cannabis or cannabis product batch.
(3) If an independent cannabis testing laboratory determines that the results of a lab test indicate that the cannabinoid content of a cannabis or cannabis product batch diverges more than 10% from the amounts the label indicates, the cannabis processing facility may not sell the cannabis or cannabis product batch unless the facility replaces the incorrect label with a label that correctly indicates the cannabinoid content.

Amended by Chapter 350, 2021 General Session

Part 8
Enforcement and Report

4-41a-801 Enforcement -- Fine -- Citation.
(1)
(a) If a person that is a cannabis production establishment, a cannabis production establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis courier, violates this chapter, the department may:
(i) revoke the person's license or agent registration card;

(ii) decline to renew the person's license or agent registration card;
(iii) assess the person an administrative penalty that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
(iv) provide a letter of concern in accordance with Subsection (8).
(b) Except for a violation that threatens public health or for the third violation of the same rule or statute in a 24-month period, the department shall issue a letter of concern before taking other administrative action under this section.
(2) The department shall deposit an administrative penalty imposed under this section into the General Fund.
(3)
(a) The department may take an action described in Subsection (3)(b) if the department concludes, upon investigation, that, for a person that is a cannabis production establishment, a cannabis production establishment agent, a medical cannabis pharmacy, a medical cannabis pharmacy agent, or a medical cannabis courier:
(i) the person has violated the provisions of this chapter, a rule made under this chapter, or an order issued under this chapter; or.
(ii) the person produced cannabis or a cannabis product batch that contains a substance, other than cannabis, that poses a significant threat to human health.
(b) If the department makes the determination about a person described in Subsection (3)(a), the department may:
(i) issue the person a written administrative citation;
(ii) attempt to negotiate a stipulated settlement;
(iii) order the person to cease and desist from the action that creates a violation; or
(iv) direct the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(c) If the department concludes, upon investigation, that a cannabis production establishment or a cannabis production establishment agent has produced a cannabis batch or a cannabis product batch that contains a substance that poses a significant threat to human health, the department shall seize, embargo, or destroy the cannabis batch or cannabis product batch.
(4) The department may, for a person subject to an uncontested citation, a stipulated settlement, or a finding of a violation in an adjudicative proceeding under this section, for a fine amount not already specified in law, assess the person, who is not an individual, a fine of up to $5,000 per violation, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(5) The department may not revoke a license without first directing the licensee to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
(6) If within 30 calendar days after the day on which a department serves a citation for a violation of this chapter, the person that is the subject of the citation fails to request a hearing to contest the citation, the citation becomes the department's final order.
(7) The department may, for a person who fails to comply with a citation under this section:
(a) refuse to issue or renew the person's license or agent registration card; or
(b) suspend, revoke, or place on probation the person's license or registration card.
(8)
(a) A letter of concern shall describe:
(i) the violation including the statute or rule being violated;
(ii) possible options to remedy the issue; and
(iii) possible consequences for not remedying the violation.

(b) Under a letter of concern, the department shall provide the person at least 30 days to remedy the violation.
(c) If the person fails to remedy the violation described in a letter of concern, the department may take other enforcement action as described in this section.
(d) If a letter of concern is resolved without an enforcement action being taken under Subsection (8)(c), the department may not report that a letter of concern was issued to the licensing board.
(9)
(a) Except where a criminal penalty is expressly provided for a specific violation of this chapter, or where civil and criminal penalties are provided for violations of Section 76-10-31, if an individual:
(i) violates a provision of this chapter, the individual is:
(A) guilty of an infraction; and
(B) subject to a $100 fine; or
(ii) intentionally or knowingly violates a provision of this chapter or violates this chapter three or more times, the individual is:
(A) guilty of a class B misdemeanor; and
(B) subject to a $1,000 fine.
(b) An individual who is guilty of a violation described in Subsection (9)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (9)(a).
(10) Nothing in this section prohibits:
(a) the department from referring potential criminal activity to law enforcement; or
(b) the attorney general from investigating or prosecuting individuals or businesses for violations of Title 76, Chapter 10, Part 31, Utah Antitrust Act.
(11) An appeal of administrative action taken under this chapter shall be heard by an administrative law judge as an informal proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 114, 2025 General Session
Amended by Chapter 414, 2025 General Session

4-41a-802 Report.
(1) At or before the November interim meeting each year, the department shall report to the Health and Human Services Interim Committee on:
(a) the number of applications and renewal applications that the department receives under this chapter;
(b) the number of each type of license that the department issues in each county;
(c) the amount of cannabis that licensees grow;
(d) the amount of cannabis that licensees manufacture into cannabis products;
(e) the number of licenses the department revokes under this chapter;
(f) the department's operation of an independent cannabis testing laboratory under Section 4-41a-201, including:
(i) the cannabis and cannabis products the department tested; and
(ii) the results of the tests the department performed;
(g) the expenses incurred and revenues generated under this chapter;
(h) the total quantity of medical cannabis shipments;

(i) the number of overall purchases of medical cannabis from each medical cannabis pharmacy; and
(j) an analysis of product availability in medical cannabis pharmacies in consultation with the Department of Health and Human Services.
(2) The department may not include personally identifying information in the report described in this section.
(3) The department shall report to the working group described in Section 36-12-8.2 as requested by the working group.
(4)
(a) Before August 1, of each year, the department shall provide a report to the working group described in Section 36-12-8.2 that provides the following for each fine issued by the department under this chapter:
(i) the date of the fine;
(ii) the reference to the statute or rule that was violated for each fine issued; and
(iii) a short description explaining why the fine was issued.
(b) The report described in Subsection (4)(a) may not include identifying information of the person that was subject to the fine.

Amended by Chapter 114, 2025 General Session
Amended by Chapter 414, 2025 General Session

Part 9
Academic Medical Cannabis Research

4-41a-901 Academic medical cannabis research -- License.
(1) A medical cannabis research licensee may, subject to department rules described in Subsection (4), obtain from a cannabis production establishment or a medical cannabis pharmacy, and possess cannabis for academic medical cannabis research.
(2) The department shall license a research university to obtain and possess cannabis for the purpose of academic medical cannabis research if the research university submits to the department:
(a) the location where the research university intends to conduct the research;
(b) the research university's research plan; and
(c) the name of the principal investigator of the research university who will:
(i) supervise the procurement, possession, and security of cannabis and cannabis product; and
(ii) oversee the academic research.
(3) The department shall maintain a list of each medical cannabis research licensee.
(4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(a) establish requirements for a licensee to:
(i) participate in academic medical cannabis research;
(ii) obtain from a cannabis production establishment, and possess, cannabis for academic medical cannabis research; and
(b) set sampling and testing procedures.

(5) A medical cannabis research licensee shall provide to the department written consent allowing a representative of the department and local law enforcement to enter all premises where the licensee possesses or stores cannabis for the purpose of:
  (a) conducting a physical inspection; or
  (b) ensuring compliance with the requirements of this chapter.
(6) An individual who has been convicted of a drug related felony within the last 10 years may not obtain, possess, or conduct any research on cannabis under a medical cannabis research licensee's license under this part.
(7) The department may set a fee, in accordance with Subsection 4-2-103(2), for the application for a medical cannabis research license.

Amended by Chapter 350, 2021 General Session

4-41a-902 Cannabis production establishment product for academic research.

A cannabis production establishment may sell cannabis and cannabis products to a medical cannabis research licensee for the purpose of academic research.

Enacted by Chapter 5, 2019 Special Session 1

4-41a-903 Unlawful acts.

(1) It is unlawful for a person who is not operating under the license of a medical cannabis research licensee to obtain or possess cannabis for academic medical cannabis research.
(2) It is unlawful for a cannabis production establishment to offer, sell, or otherwise provide cannabis or cannabis products for the purpose of academic research to an entity that is not a medical cannabis research licensee.
(3) The department may seize from a medical cannabis research licensee and destroy cannabis or cannabis products that do not comply with this chapter.

Enacted by Chapter 5, 2019 Special Session 1

Part 10
Medical Cannabis Pharmacy License

4-41a-1001 Medical cannabis pharmacy -- License -- Eligibility.

(1) A person may not:
  (a) operate as a medical cannabis pharmacy without a license that the department issues under this part;
  (b) obtain a medical cannabis pharmacy license if obtaining the license would cause the person to exceed the pharmacy ownership limit;
  (c) obtain a partial ownership share of a medical cannabis pharmacy if obtaining the partial ownership share would cause the person to exceed the pharmacy ownership limit; or
  (d) enter into any contract or agreement that allows the person to directly or indirectly control the operations of a medical cannabis pharmacy if the person's control of the medical cannabis pharmacy would cause the person to effectively exceed the pharmacy ownership limit.
(2)
  (a)

(i) Subject to Subsections (4) and (5) and to Section 4-41a-1005, the licensing board shall issue a license to operate a medical cannabis pharmacy.

(ii) The licensing board may not issue a license to operate a medical cannabis pharmacy to an applicant who is not eligible for a license under this section.

(b) An applicant is eligible for a license under this section if the applicant submits to the licensing board:

(i) subject to Subsection (2)(c), a proposed name and address where the applicant will operate the medical cannabis pharmacy;

(ii) the name and address of an individual who:

(A) for a publicly traded company, has a financial or voting interest of 10% or greater in the proposed medical cannabis pharmacy;

(B) for a privately held company, a financial or voting interest in the proposed medical cannabis pharmacy; or

(C) has the power to direct or cause the management or control of a proposed medical cannabis pharmacy;

(iii) for each application that the applicant submits to the department, a statement from the applicant that the applicant will obtain and maintain:

(A) a performance bond in the amount of $100,000 issued by a surety authorized to transact surety business in the state; or

(B) a liquid cash account in the amount of $100,000 with a financial institution;

(iv) an operating plan that:

(A) complies with Section 4-41a-1004;

(B) includes operating procedures to comply with the operating requirements for a medical cannabis pharmacy described in this part and with a relevant municipal or county law that is consistent with Section 4-41a-1106; and

(C) the department approves;

(v) an application fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

(vi) a description of any investigation or adverse action taken by any licensing jurisdiction, government agency, law enforcement agency, or court in any state for any violation or detrimental conduct in relation to any of the applicant's cannabis-related operations or businesses.

(c)

(i) A person may not locate a medical cannabis pharmacy:

(A) within 200 feet of a community location; or

(B) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.

(ii) The proximity requirements described in Subsection (2)(c)(i) shall be measured from the nearest entrance to the medical cannabis pharmacy establishment by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.

(iii) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (2)(c)(i) by up to 20% if the department determines that it is not reasonably feasible for the applicant to site the proposed medical cannabis pharmacy without the waiver.

(iv) An applicant for a license under this section shall provide evidence of compliance with the proximity requirements described in Subsection (2)(c)(i).

(d) The licensing board may not issue a license to an eligible applicant that the department has selected to receive a license until the selected eligible applicant complies with the bond or liquid cash requirement described in Subsection (2)(b)(iii).

(e) If the licensing board receives more than one application for a medical cannabis pharmacy within the same city or town, the department shall consult with the local land use authority before approving any of the applications pertaining to that city or town.

(f) In considering the issuance of a medical cannabis pharmacy license under this section, the licensing board may consider the extent to which the pharmacy can increase efficiency and reduce cost to patients of medical cannabis.

(3)

(a) After an entity has been selected for a medical cannabis pharmacy license under this section, the department shall:

(i) charge the applicant an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504;

(ii) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (2)(b)(ii); and

(iii) charge the licensee a fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504, for any change in location, ownership, or company structure.

(b) For a fee described in Subsection (3)(a)(i), a license fee for a medical cannabis pharmacy located in a medically underserved area as determined by the federal Health Resources and Services Administration shall be 50% less than what is charged for other medical cannabis pharmacies.

(4) The licensing board may not issue a license to operate a medical cannabis pharmacy to an applicant if an individual described in Subsection (2)(b)(ii):

(a) has been convicted under state or federal law of:

(i) a felony in the preceding 10 years; or

(ii) after December 3, 2018, a misdemeanor for drug distribution;

(b) is younger than 21 years old; or

(c) after September 23, 2019, until January 1, 2023, is actively serving as a legislator.

(5) If an applicant for a medical cannabis pharmacy license under this section holds another license under this chapter, the licensing board may not give preference to the applicant based on the applicant's status as a holder of the license.

(6) The licensing board may revoke a license under this part:

(a) if the medical cannabis pharmacy does not begin operations within one year after the day on which the department issues an announcement of the department's intent to award a license to the medical cannabis pharmacy;

(b) after the third of the same violation of this chapter in any of the licensee's licensed cannabis production establishments or medical cannabis pharmacies;

(c) if an individual described in Subsection (2)(b)(ii) is convicted, while the license is active, under state or federal law of:

(i) a felony; or

(ii) after December 3, 2018, a misdemeanor for drug distribution;

(d) if the licensee fails to provide the information described in Subsection (2)(b)(vi) at the time of application, or fails to supplement the information described in Subsection (2)(b)(vi) with any investigation or adverse action that occurs after the submission of the application within 14 calendar days after the licensee receives notice of the investigation or adverse action;

(e) if the medical cannabis pharmacy demonstrates a willful or reckless disregard for the requirements of this chapter or the rules the department makes in accordance with this chapter;

(f) if, after a change of ownership described in Subsection (10)(c), the department determines that the medical cannabis pharmacy no longer meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; or

(g) if through an investigation conducted under Subsection 4-41a-201.1(11) and in accordance with Title 63G, Chapter 4, Administrative Procedures Act, the licensing board finds that the licensee has participated in anticompetitive business practices.

(7)

(a) A person who receives a medical cannabis pharmacy license under this chapter, if the municipality or county where the licensed medical cannabis pharmacy will be located requires a local land use permit, shall submit to the department a copy of the licensee's approved application for the land use permit within 120 days after the day on which the department issues the license.

(b) If a licensee fails to submit to the department a copy the licensee's approved land use permit application in accordance with Subsection (7)(a), the department may revoke the licensee's license.

(8) The department shall deposit the proceeds of a fee imposed by this section into the Qualified Production Enterprise Fund.

(9)

(a) The licensing board's authority to issue a license under this section is plenary and is not subject to review.

(b) Notwithstanding Subsection (2), the decision of the department to award a license to an applicant is not subject to:

(i) Title 63G, Chapter 6a, Part 16, Protests; or

(ii) Title 63G, Chapter 6a, Part 17, Procurement Appeals Board.

(10)

(a) A medical cannabis pharmacy license is not transferrable or assignable.

(b) A medical cannabis pharmacy shall report in writing to the department no later than 45 business days before the date of any change of ownership of the medical cannabis pharmacy.

(c) If the ownership of a medical cannabis pharmacy changes by 50% or more:

(i) concurrent with the report described in Subsection (10)(b), the medical cannabis pharmacy shall submit a new application described in Subsection (2)(b), subject to Subsection (2)(c);

(ii) within 30 days of the submission of the application, the licensing board shall:

(A) conduct an application review; and

(B) award a license to the medical cannabis pharmacy for the remainder of the term of the medical cannabis pharmacy's license before the ownership change if the medical cannabis pharmacy meets the minimum standards for licensure and operation of the medical cannabis pharmacy described in this chapter; and

(iii) if the department approves the license application, notwithstanding Subsection (3), the medical cannabis pharmacy shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the department's cost of conducting the application review.

Amended by Chapter 114, 2025 General Session
Amended by Chapter 277, 2025 General Session

Amended by Chapter 414, 2025 General Session

4-41a-1002 Medical cannabis pharmacy owners and directors -- Criminal background checks.

(1) Each applicant to whom the department issues a notice of intent to award a license to operate as a medical cannabis pharmacy shall submit, before the department may award the license, from each individual who has a financial or voting interest of 10% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:
  (a) a fingerprint card in a form acceptable to the Department of Public Safety;
  (b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
  (c) consent to a fingerprint background check by:
    (i) the Bureau of Criminal Identification; and
    (ii) the Federal Bureau of Investigation.

(2) The Bureau of Criminal Identification shall:
  (a) check the fingerprints the applicant submits under Subsection (1) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
  (b) report the results of the background check to the department;
  (c) maintain a separate file of fingerprints that applicants submit under Subsection (1) for search by future submissions to the local and regional criminal records databases, including latent prints;
  (d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and
  (e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(3) The department shall:
  (a) assess an individual who submits fingerprints under Subsection (1) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and
  (b) remit the fee described in Subsection (3)(a) to the Bureau of Criminal Identification.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Amended by Chapter 317, 2023 General Session

4-41a-1003 Renewal -- Notice of available license.

(1)
  (a) The department shall renew a license issued under this part every year if, at the time of renewal:
    (i) the licensee meets the requirements of Section 4-41a-1001;
    (ii) the licensee pays the department a license renewal fee in an amount that, subject to Subsection 4-41a-1004(5), the department sets in accordance with Section 63J-1-504; and

(iii) if the medical cannabis pharmacy changes the operating plan described in Section 4-41a-1004 that the department approved under Subsection 4-41a-1001(2)(b)(iv), the department approves the new operating plan.

(b) A license fee for a medical cannabis pharmacy located in a county of the third, fourth, fifth, or sixth class shall be 50% less than what is charged for other medical cannabis pharmacies.

(2)

(a) If a licensed medical cannabis pharmacy abandons the medical cannabis pharmacy's license, the department shall publish notice of an available license, for the geographic area in which the medical cannabis pharmacy license is available, as a class A notice under Section 63G-30-102, for at least seven days.

(b) The department may establish criteria, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

(3) If the department has not completed the necessary processes to make a determination on a license renewal under Subsections (1)(a) and (c) before the expiration of a license, the department may issue a conditional medical cannabis pharmacy license to a licensed medical cannabis pharmacy that has applied for license renewal under this section and paid the fee described in Subsection (1)(b).

Amended by Chapter 114, 2025 General Session

4-41a-1004 Operating plan.

A person applying for a medical cannabis pharmacy license shall submit to the department a proposed operation plan for the medical cannabis pharmacy that includes:

(1) a description of the physical characteristics of the proposed facility, including a floor plan and an architectural elevation;

(2) a description of the credentials and experience of:

(a) each officer, director, or owner of the proposed medical cannabis pharmacy; and

(b) any highly skilled or experienced prospective employee;

(3) the medical cannabis pharmacy's employee training standards;

(4) a security plan;

(5) a description of the medical cannabis pharmacy's inventory control system, including a plan to make the inventory control system compatible with the state electronic verification system;

(6) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is sanitary and preserves the integrity of the cannabis; and

(7) a description of the proposed medical cannabis pharmacy's strategic plan for opening the medical cannabis pharmacy, including gauging appropriate timing based on:

(a) the supply of medical cannabis and medical cannabis products, in consultation with the department; and

(b) the quantity and condition of the population of medical cannabis cardholders, in consultation with the Department of Health and Human Services.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)

4-41a-1005 Maximum number of licenses.

(1) The licensing board shall issue up to 17 medical cannabis pharmacy licenses in accordance with this section including the two medical cannabis pharmacy licenses in accordance with Section 4-41a-1006.
(2)
(a) The licensing board shall:
(i) evaluate each applicant and award the license to the applicant that best demonstrates:
(A) experience with establishing and successfully operating a business that involves complying with a regulatory environment, tracking inventory, and training, evaluating, and monitoring employees;
(B) an operating plan that will best ensure the safety and security of patrons and the community;
(C) positive connections to the local community;
(D) the suitability of the proposed location and the location's accessibility for qualifying patients;
(E) the extent to which the applicant can increase efficiency and reduce the cost of medical cannabis for patients; and
(F) a strategic plan described in Subsection 4-41a-1004(7) that has a comparatively high likelihood of success; and
(ii) ensure a geographic dispersal among licensees that is sufficient to reasonably maximize access to the largest number of medical cannabis cardholders.
(b) In making the evaluation described in Subsection (2)(a), the licensing board may give increased consideration to applicants who indicate a willingness to:
(i) site a medical cannabis pharmacy in an area or population center designated as a medically underserved area or population as determined by the federal Health Resources and Services Administration; and
(ii) operate as a home delivery medical cannabis pharmacy that accepts electronic medical cannabis orders.
(3) The licensing board may conduct a face-to-face interview with an applicant for a license that the licensing board evaluates under Subsection (2).

Amended by Chapter 114, 2025 General Session
Amended by Chapter 414, 2025 General Session

4-41a-1006 Independent medical cannabis licenses.
(1)
(a) Subject to the requirements of Subsection (3) and the criteria established for obtaining a medical cannabis pharmacy license under this chapter, the licensing board shall:
(i) before January 1, 2026, select one entity to receive a medical cannabis pharmacy license; and
(ii) before January 1, 2027, but not before January 1, 2026, select one entity to receive a medical cannabis pharmacy license.
(b) When selecting entities under this section, if there is a conflict between the criteria established for obtaining a medical cannabis pharmacy license under the other sections of this chapter and this section, this section controls.
(2) For the license described in Subsection (1)(a)(ii), the licensing board may not select an entity:
(a) that owns any interest in or operates a medical cannabis production establishment; or
(b) that is owned, partially or entirely, or operated by a medical cannabis production establishment.

(3) The licensing board:
(a) may not select an entity to receive a license under this section if the entity owns a financial interest in a medical cannabis pharmacy or is owned by an entity that owns a financial interest in a medical cannabis pharmacy; and
(b) shall select an entity that will site a medical cannabis pharmacy license issued under this section in an area:
(i) designated as a medically underserved area as determined by the federal Health Resources and Services Administration; and
(ii) located in a county of the third, fourth, fifth, or sixth class.
(4) A license described in this section may not be transferred to another entity unless that entity meets the requirements of Subsections (2) and (3) that the transferring entity met when obtaining the license.
(5) Notwithstanding Subsection (4), for a license described in Subsection (1)(a)(i), an applicant shall commit to not alienating or otherwise transferring control of the license or of the entity that holds the license to another person for at least 15 years from the day the license is issued under this chapter.
(6) The department shall provide regular updates to the Medical Cannabis Governance Structure Working Group created in Section 36-12-8.2 regarding the application and selection process for licenses issued under this section.

Enacted by Chapter 114, 2025 General Session

Part 11
Medical Cannabis Pharmacy Operation and Agents

4-41a-1101 Operating requirements -- General.
(1)
(a) A medical cannabis pharmacy shall operate:
(i) at the physical address provided to the department under Section 4-41a-1001; and
(ii) in accordance with the operating plan provided to the department under Section 4-41a-1001 and, if applicable, Section 4-41a-1004.
(b) A medical cannabis pharmacy shall notify the department before a change in the medical cannabis pharmacy's physical address or operating plan.
(2) An individual may not enter a medical cannabis pharmacy unless the individual:
(a) is at least 18 years old or is an emancipated minor under Section 80-7-105; and
(b) except as provided in Subsection (4):
(i) possesses a valid:
(A) medical cannabis pharmacy agent registration card;
(B) pharmacy medical provider registration card; or
(C) medical cannabis card;
(ii) is an employee of the department performing an inspection under Section 4-41a-1103; or
(iii) is another individual as the department provides.
(3) A medical cannabis pharmacy may not employ an individual who is younger than 21 years old.
(4) Notwithstanding Subsection (2)(a), a medical cannabis pharmacy may authorize an individual who is not a medical cannabis pharmacy agent or pharmacy medical provider to access the medical cannabis pharmacy if the medical cannabis pharmacy tracks and monitors the

individual at all times while the individual is at the medical cannabis pharmacy and maintains a record of the individual's access.

(5) A medical cannabis pharmacy shall operate in a facility that has:

(a) a single, secure public entrance;

(b) a security system with a backup power source that:

(i) detects and records entry into the medical cannabis pharmacy; and

(ii) provides notice of an unauthorized entry to law enforcement when the medical cannabis pharmacy is closed; and

(c) a lock on each area where the medical cannabis pharmacy stores medical cannabis.

(6) A medical cannabis pharmacy shall post, both clearly and conspicuously in the medical cannabis pharmacy, the limit on the purchase of cannabis described in Subsection 4-41a-1102(2).

(7) Except for an emergency situation described in Subsection 26B-4-213(3)(b), a medical cannabis pharmacy may not allow any individual to consume cannabis on the property or premises of the medical cannabis pharmacy.

(8) A medical cannabis pharmacy may not sell medical cannabis without first indicating on the medical cannabis label the name of the medical cannabis pharmacy.

(9)

(a) Each medical cannabis pharmacy shall retain in the pharmacy's records the following information regarding each recommendation underlying a transaction:

(i) the recommending medical provider's name, address, and telephone number;

(ii) the patient's name and address;

(iii) the date of issuance;

(iv) directions of use and dosing guidelines or an indication that the recommending medical provider did not recommend specific directions of use or dosing guidelines; and

(v) if the patient did not complete the transaction, the name of the medical cannabis cardholder who completed the transaction.

(b)

(i) Except as provided in Subsection (9)(b)(iii), a medical cannabis pharmacy may not sell medical cannabis unless the medical cannabis has a label securely affixed to the container indicating the following minimum information:

(A) the name, address, and telephone number of the medical cannabis pharmacy;

(B) the unique identification number that the medical cannabis pharmacy assigns;

(C) the date of the sale;

(D) the name of the patient;

(E) the name of the recommending medical provider who recommended the medical cannabis treatment;

(F) directions for use and cautionary statements, if any;

(G) the amount dispensed and the cannabinoid content;

(H) the suggested use date;

(I) for unprocessed cannabis flower, the legal use termination date; and

(J) any other requirements that the department determines, in consultation with the Division of Professional Licensing and the Board of Pharmacy.

(ii) A medical cannabis pharmacy is exempt from the requirement to provide the following information under Subsection (9)(b)(i) if the information is already provided on the product label that a cannabis production establishment affixes:

(A) a unique identification number;

(B) directions for use and cautionary statements;

(C) amount and cannabinoid content; and
(D) a suggested use date.
(iii) If the size of a medical cannabis container does not allow sufficient space to include the labeling requirements described in Subsection (9)(b)(i), the medical cannabis pharmacy may provide the following information described in Subsection (9)(b)(i) on a supplemental label attached to the container or an informational enclosure that accompanies the container:
(A) the cannabinoid content;
(B) the suggested use date; and
(C) any other requirements that the department determines.
(iv) A medical cannabis pharmacy may sell medical cannabis to another medical cannabis pharmacy without a label described in Subsection (9)(b)(i).

(10) A pharmacy medical provider or medical cannabis pharmacy agent shall:
(a) upon receipt of an order from a recommending medical provider in accordance with Subsections 26B-4-204(1)(b) and (c):
(i) for a written order or an electronic order under circumstances that the department determines, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation; and
(ii) for an order that the pharmacy medical provider or medical cannabis pharmacy agent verifies under Subsection (10)(a)(i) or an electronic order that is not subject to verification under Subsection (10)(a)(i), enter the recommending medical provider's recommendation or renewal, including any associated directions of use, dosing guidelines, or caregiver indication, in the state electronic verification system;
(b) in processing an order for a holder of a conditional medical cannabis card described in Subsection 26B-4-213(1)(b) that appears irregular or suspicious in the judgment of the pharmacy medical provider or medical cannabis pharmacy agent, contact the recommending medical provider or the recommending medical provider's office to verify the validity of the recommendation before processing the cardholder's order;
(c) unless the medical cannabis cardholder has had a consultation under Subsection 26B-4-231(5), verbally offer to a medical cannabis cardholder at the time of a purchase of medical cannabis or a medical cannabis device, personal counseling with the pharmacy medical provider; and
(d) provide a telephone number or website by which the cardholder may contact a pharmacy medical provider for counseling.

(11)
(a) A medical cannabis pharmacy may create a medical cannabis disposal program that allows an individual to deposit unused or excess medical cannabis or cannabis residue from a medical cannabis device in a locked box or other secure receptacle within the medical cannabis pharmacy.
(b) A medical cannabis pharmacy with a disposal program described in Subsection (11)(a) shall ensure that only a medical cannabis pharmacy agent or pharmacy medical provider can access deposited medical cannabis.
(c) A medical cannabis pharmacy shall dispose of any deposited medical cannabis by:
(i) rendering the deposited medical cannabis unusable and unrecognizable before transporting deposited medical cannabis from the medical cannabis pharmacy; and
(ii) disposing of the deposited medical cannabis in accordance with:
(A) federal and state law, rules, and regulations related to hazardous waste;
(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and
(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) A medical cannabis pharmacy:
(a) shall employ a pharmacist who is licensed under Title 58, Chapter 17b, Pharmacy Practice Act, as a pharmacy medical provider;
(b) may employ a physician who has the authority to write a prescription and is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as a pharmacy medical provider;
(c) shall ensure that a pharmacy medical provider described in Subsection (12)(a) works onsite during all business hours;
(d) shall designate one pharmacy medical provider described in Subsection (12)(a) as the pharmacist-in-charge to oversee the operation of and generally supervise the medical cannabis pharmacy;
(e) shall allow the pharmacist-in-charge to determine which medical cannabis products the medical cannabis pharmacy maintains in the medical cannabis pharmacy's inventory;
(f) for each medical cannabis product sold by the medical cannabis pharmacy, shall:
(i) allow a medical cannabis cardholder located in the pharmacy to view the back panel of the product when requested; and
(ii) beginning July 1, 2025, include a picture of the back panel of the product on the medical cannabis pharmacy's website;
(g) shall maintain a video surveillance system that:
(i) tracks all handling of medical cannabis in the pharmacy;
(ii) is tamper proof; and
(iii) stores a video record for at least 45 days;
(h) shall provide the department access to the video surveillance system upon request;
(i) if a patient product information insert is available, shall provide a patient who purchases a medical cannabis product the medical cannabis product's patient product information insert using any of the following methods:
(i) a physical document;
(ii) an email message;
(iii) a text message; or
(iv) a quick response code; and
(j) may not allow a recommending medical provider to recommend medical cannabis as part of an event that:
(i) is a temporary gathering, market, clinic, or promotional event;
(ii) operates in a temporary tent or structure; and
(iii) is held within 500 feet of the medical cannabis pharmacy's property line.

(13) The department shall establish by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for a recall of cannabis and cannabis products by a medical cannabis pharmacy.

Amended by Chapter 392, 2025 General Session

4-41a-1102 Dispensing -- Amount a medical cannabis pharmacy may dispense -- Reporting -- Form of cannabis or cannabis product.

(1)
(a) A medical cannabis pharmacy may not sell a product other than:

(i) medical cannabis that the medical cannabis pharmacy acquired from another medical cannabis pharmacy or a cannabis processing facility that is licensed under Section 4-41a-201;
(ii) a medical cannabis device; or
(iii) educational material related to the medical use of cannabis.
(b) A medical cannabis pharmacy may only sell an item listed in Subsection (1)(a) to an individual with:
(i)
(A) a medical cannabis card; or
(B) a Department of Health and Human Services registration described in Subsection 26B-4-213(10); and
(ii) a corresponding government issued photo identification.
(c) Notwithstanding Subsection (1)(a), a medical cannabis pharmacy may not sell a cannabis-based drug that the United States Food and Drug Administration has approved.
(d) Notwithstanding Subsection (1)(b), a medical cannabis pharmacy may not sell a medical cannabis device or medical cannabis to an individual described in Subsection 26B-4-213(2)(a)(i)(B) or to a minor described in Subsection 26B-4-213(2)(c) unless the individual or minor has the approval of the Compassionate Use Board in accordance with Subsection 26B-1-421(5).
(2) A medical cannabis pharmacy:
(a) may dispense to a medical cannabis cardholder, in any one 28-day period, up to the legal dosage limit of:
(i) unprocessed cannabis that:
(A) is in a medicinal dosage form; and
(B) carries a label clearly displaying the amount of tetrahydrocannabinol and cannabidiol in the cannabis; and
(ii) a cannabis product that is in a medicinal dosage form; and
(b) may not dispense:
(i) except for a medical cannabis cardholder approved under Subsection 26B-4-245(2), more medical cannabis than described in Subsection (2)(a); or
(ii) any medical cannabis to an individual whose recommending medical provider did not recommend directions of use and dosing guidelines, until the individual consults with the pharmacy medical provider in accordance with Subsection 26B-4-231(5).
(3)
(a) A medical cannabis pharmacy shall:
(i)
(A) access the state electronic verification system before dispensing medical cannabis to a medical cannabis cardholder in order to determine if the cardholder or, where applicable, the associated patient has met the maximum amount of medical cannabis described in Subsection (2); and
(B) if the verification in Subsection (3)(a)(i)(A) indicates that the individual has met the maximum amount described in Subsection (2), decline the sale, and notify the recommending medical provider who made the underlying recommendation;
(ii) submit a record to the state electronic verification system each time the medical cannabis pharmacy dispenses medical cannabis to a medical cannabis cardholder;
(iii) ensure that the pharmacy medical provider who is a licensed pharmacist reviews each medical cannabis transaction before dispensing the medical cannabis to the cardholder in accordance with pharmacy practice standards;

(iv) package any medical cannabis in a container that:
(A) complies with Subsection 4-41a-602(1)(b) or, if applicable, provisions related to a container for unprocessed cannabis flower in the definition of "medicinal dosage form" in Section 26B-4-201; and
(B) is tamper-resistant and tamper-evident;
(v) for a product that is a cube that is designed for ingestion through chewing or holding in the mouth for slow dissolution, include a separate, off-label warning about the risks of over-consumption; and
(vi) beginning January 1, 2024, for medical cannabis that is cannabis flower, vaporizer cartridges, or concentrate, provide the product's terpene profiles collected under Subsection 4-41a-701(4) at or before the point of sale.
(b) A medical cannabis cardholder transporting or possessing the container described in Subsection (3)(a)(iv) in public shall keep the container within the opaque bag or box that the medical cannabis pharmacist provides.
(c) A medical cannabis pharmacy shall provide an opaque bag or box for the medical cannabis cardholder to use in transporting the medical cannabis in public if the medical cannabis cardholder does not provide an opaque bag or box.

(4)
(a) Except as provided in Subsection (4)(b), a medical cannabis pharmacy may not sell medical cannabis in the form of a cigarette or a medical cannabis device that is intentionally designed or constructed to resemble a cigarette.
(b) A medical cannabis pharmacy may sell a medical cannabis device that warms cannabis material into a vapor without the use of a flame and that delivers cannabis to an individual's respiratory system.

(5)
(a) A medical cannabis pharmacy may not give, at no cost, a product that the medical cannabis pharmacy is allowed to sell under Subsection (1)(a)(i) or (ii).
(b) A medical cannabis pharmacy may give, at no cost, educational material related to the medical use of cannabis.

(6) A medical cannabis pharmacy may purchase and store medical cannabis devices regardless of whether the seller has a cannabis-related license under this chapter or Title 26B, Utah Health and Human Services Code.

Amended by Chapter 414, 2025 General Session

4-41a-1103 Inspections.

(1) Each medical cannabis pharmacy shall maintain the pharmacy's medical cannabis treatment recommendation files and other records in accordance with this chapter, department rules, and the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended.

(2)
(a) The department may inspect the records, facility, and inventory of a medical cannabis pharmacy at any time during business hours in order to determine if the medical cannabis pharmacy complies with this chapter.
(b) The Department of Health and Human Services may inspect patient records held by a medical cannabis pharmacy:
(i) for compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended; or

(ii) to ensure that a medical cannabis pharmacy is providing a cannabis product to a patient in accordance with the recommendations of the patient's recommending medical provider.

(3)

(a) An inspection conducted by the department under this section may include:

(i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other physical or electronic information, or any combination of the above;

(ii) questioning of any relevant individual;

(iii) inspecting equipment, an instrument, a tool, or machinery, including a container or label;

(iv) random sampling of medical cannabis in accordance with rules described in Section 4-41a-701; or

(v) seizure of medical cannabis, medical cannabis devices, or educational material as evidence in a department investigation or inspection or in instances of compliance failure.

(b) An inspection conducted by the Department of Health and Human Services under Subsection (2)(b) may include:

(i) inspecting a site, facility, vehicle, book, record, paper, document, data, or other physical or electronic information, or any combination of the above; or

(ii) questioning of any relevant individual.

(4) In making an inspection under this section:

(a) the department may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information, including financial data, sales data, shipping data, pricing data, and employee data; and

(b) the Department of Health and Human Services may freely access any area and review and make copies of a book, record, paper, document, data, or other physical or electronic information related to patient records.

(5) Failure to provide the department, the Department of Health and Human Services, or the authorized agents of the department or the Department of Health and Human Services immediate access to records and facilities during business hours in accordance with this section may result in:

(a) the imposition of a civil monetary penalty that the department sets in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) license or registration suspension or revocation; or

(c) an immediate cessation of operations under a cease and desist order that the department issues.

(6) Notwithstanding any other provision of law, the department may temporarily store in any department facility the items the department seizes under Subsection (3)(a)(v) until the department:

(a) determines that sufficient compliance justifies the return of the seized items; or

(b) disposes of the items in the same manner as a cannabis production establishment in accordance with Section 4-41a-405.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)

4-41a-1104 Advertising.

(1) Except as provided in this section, a person may not advertise in any medium regarding a medical cannabis pharmacy or the dispensing of medical cannabis within the state.

(2) A medical cannabis pharmacy may:

(a) advertise an employment opportunity at the medical cannabis pharmacy;
(b) notwithstanding any municipal or county ordinance prohibiting signage, use signage on the outside of the medical cannabis pharmacy that:
(i) includes only:
(A) in accordance with Subsection 4-41a-109(4), the medical cannabis pharmacy's name, logo, and hours of operation; and
(B) a green cross; and
(ii) complies with local ordinances regulating signage;
(c) advertise in any medium:
(i) the pharmacy's name and logo;
(ii) the location and hours of operation of the medical cannabis pharmacy;
(iii) a service available at the medical cannabis pharmacy;
(iv) personnel affiliated with the medical cannabis pharmacy;
(v) whether the medical cannabis pharmacy is licensed as a home delivery medical cannabis pharmacy;
(vi) best practices that the medical cannabis pharmacy upholds; and
(vii) educational material related to the medical use of cannabis, as defined by the department;
(d) hold an educational event for the public or medical providers in accordance with Subsection (3) and the rules described in Subsection (4);
(e) maintain on the medical cannabis pharmacy's website non-promotional information regarding the medical cannabis pharmacy's inventory; or
(f) engage in targeted marketing, as determined by the department through rule, for advertising a particular medical cannabis product, medical cannabis device, or medical cannabis brand.
(3) A medical cannabis pharmacy may not include in an educational event described in Subsection (2)(d):
(a) any topic that conflicts with this chapter or Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis;
(b) any gift items or merchandise other than educational materials, as those terms are defined by the department;
(c) any marketing for a specific product from the medical cannabis pharmacy or any other statement, claim, or information that would violate the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301, et seq.; or
(d) a presenter other than the following:
(i) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;
(ii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act;
(iii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
(iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act;
(v) a medical practitioner, similar to a practitioner described in Subsections (3)(d)(i) through (iv), who is licensed in another state or country;
(vi) a state employee; or
(vii) if the presentation relates to a cannabis topic other than medical treatment or medical conditions, an individual whom the department approves based on the individual's background and credentials in the presented topic.
(4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define:
(a) the educational material described in Subsection (2)(c)(vii); and

(b) the elements of and restrictions on the educational event described in Subsection (3), including:
(i) a minimum age of 21 years old for attendees; and
(ii) an exception to the minimum age for a medical cannabis patient cardholder who is at least 18 years old.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Amended by Chapter 317, 2023 General Session

4-41a-1105 Local control.

(1) The operation of a medical cannabis pharmacy:
(a) shall be a permitted use:
(i) in any zone, overlay, or district within the municipality or county except for a primarily residential zone; and
(ii) on land that the municipality or county has not zoned; and
(b) is subject to the land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, that apply in the underlying zone.
(2) A municipality or county may not:
(a) on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis, deny or revoke:
(i) a land use permit, as that term is defined in Sections 10-9a-103 and 17-27a-103, to operate a medical cannabis pharmacy; or
(ii) a business license to operate a medical cannabis pharmacy;
(b) require a certain distance between a medical cannabis pharmacy and:
(i) another medical cannabis pharmacy;
(ii) a cannabis production establishment;
(iii) a retail tobacco specialty business, as that term is defined in Section 26B-7-506; or
(iv) an outlet, as that term is defined in Section 32B-1-202; or
(c) in accordance with Subsections 10-9a-509(1) and 17-27a-508(1), enforce a land use regulation against a medical cannabis pharmacy that was not in effect on the day on which the medical cannabis pharmacy submitted a complete land use application.
(3)
(a) A municipality or county may enact an ordinance that:
(i) is not in conflict with this chapter; and
(ii) governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county.
(b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not restrict the hours of operation from 7 a.m. to 10 p.m.
(4) An applicant for a land use permit to operate a medical cannabis pharmacy shall comply with the land use requirements and application process described in:
(a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, including Section 10-9a-528; and
(b) Title 17, Chapter 27a, County Land Use, Development, and Management Act, including Section 17-27a-525.

Renumbered and Amended by Chapter 273, 2023 General Session

Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)

4-41a-1106 Medical cannabis pharmacy agent -- Registration.

(1) An individual may not serve as a medical cannabis pharmacy agent of a medical cannabis pharmacy unless the department registers the individual as a medical cannabis pharmacy agent.

(2) A recommending medical provider may not act as a medical cannabis pharmacy agent, have a financial or voting interest of 2% or greater in a medical cannabis pharmacy, or have the power to direct or cause the management or control of a medical cannabis pharmacy.

(3)

(a) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis pharmacy on behalf of a prospective medical cannabis pharmacy agent, register and issue a medical cannabis pharmacy agent registration card to the prospective agent if the medical cannabis pharmacy:

(i) provides to the department:

(A) the prospective agent's name and address;

(B) the name and location of the licensed medical cannabis pharmacy where the prospective agent seeks to act as the medical cannabis pharmacy agent; and

(C) the submission required under Subsection (3)(b); and

(ii) pays a fee to the department in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

(b) Each prospective agent described in Subsection (3)(a) shall:

(i) submit to the department:

(A) a fingerprint card in a form acceptable to the Department of Public Safety; and

(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and

(ii) consent to a fingerprint background check by:

(A) the Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(c) The Bureau of Criminal Identification shall:

(i) check the fingerprints the prospective agent submits under Subsection (3)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;

(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (3)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (3)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (3)(d)(i) to the Bureau of Criminal Identification.

(4) A medical cannabis pharmacy agent shall comply with a certification standard that the department develops in collaboration with the Division of Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) The department shall ensure that the certification standard described in Subsection (4) includes training in:

(a) Utah medical cannabis law; and

(b) medical cannabis pharmacy best practices.

(6) The department may revoke the medical cannabis pharmacy agent registration card of, or refuse to issue a medical cannabis pharmacy agent registration card to, an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted under state or federal law of:

(i) a felony within the preceding 10 years; or

(ii) after December 3, 2018, a misdemeanor for drug distribution.

(7)

(a) A medical cannabis pharmacy agent registration card expires two years after the day on which the department issues or renews the card.

(b) A medical cannabis pharmacy agent may renew the agent's registration card if the agent:

(i) is eligible for a medical cannabis pharmacy agent registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (3)(a) is accurate or updates the information; and

(iii) pays to the department a renewal fee in an amount that:

(A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(8)

(a) As a condition precedent to registration and renewal of a medical cannabis pharmacy agent registration card, a medical cannabis pharmacy agent shall:

(i) complete at least one hour of continuing education regarding patient privacy and federal health information privacy laws that is offered by the department under Subsection (8)(b) or an accredited or approved continuing education provider that the department recognizes as offering continuing education appropriate for the medical cannabis pharmacy practice; and

(ii) make a continuing education report to the department in accordance with a process that the department establishes by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the Division of Professional Licensing and the Board of Pharmacy.

(b) The department may, in consultation with the Division of Professional Licensing, develop the continuing education described in this Subsection (8).

(c) The pharmacist-in-charge described in Section 26B-4-219 shall ensure that each medical cannabis pharmacy agent working in the medical cannabis pharmacy who has access to the state electronic verification system is in compliance with this Subsection (8).

(d) A medical cannabis pharmacy agent may not access the electronic verification system following the termination of the medical cannabis pharmacy agent's employment.

(9) A medical cannabis pharmacy shall:

(a) maintain a list of employees that have a medical cannabis pharmacy agent registration card; and

(b) provide the list to the department upon request.

Amended by Chapter 414, 2025 General Session

4-41a-1107 Medical cannabis pharmacy agent registration card -- Rebuttable presumption.

(1) A medical cannabis pharmacy agent shall carry the individual's medical cannabis pharmacy agent registration card with the individual at all times when:

(a) the individual is on the premises of a medical cannabis pharmacy; and

(b) the individual is transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device between a cannabis production establishment and a medical cannabis pharmacy.

(2) If an individual handling, at a medical cannabis pharmacy, cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device or transporting cannabis in a medicinal dosage form, a cannabis product in a medicinal dosage form, or a medical cannabis device, possesses the cannabis, cannabis product, or medical cannabis device in compliance with Subsection (1):

(a) there is a rebuttable presumption that the individual possesses the cannabis, cannabis product, or medical cannabis device legally; and

(b) there is no probable cause, based solely on the individual's possession of the cannabis in medicinal dosage form, cannabis product in medicinal dosage form, or medical cannabis device in compliance with Subsection (1), that the individual is engaging in illegal activity.

(3)

(a) A medical cannabis pharmacy agent who fails to carry the agent's medical cannabis pharmacy agent registration card in accordance with Subsection (1) is:

(i) for a first or second offense in a two-year period:

(A) guilty of an infraction; and

(B) is subject to a $100 fine; or

(ii) for a third or subsequent offense in a two-year period:

(A) guilty of a class C misdemeanor; and

(B) subject to a $750 fine.

(b)

(i) The prosecuting entity shall notify the department and the relevant medical cannabis pharmacy of each conviction under Subsection (3)(a).

(ii) For each violation described in Subsection (3)(a)(ii), the department may assess the relevant medical cannabis pharmacy a fine of up to $5,000, in accordance with a fine schedule that the department establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) An individual who is guilty of a violation described in Subsection (3)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (3)(a).

Renumbered and Amended by Chapter 273, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)

Renumbered and Amended by Chapter 307, 2023 General Session

Part 12
Medical Cannabis Home Delivery and Couriers

4-41a-1201 Medical cannabis home delivery designation.

(1) The department may designate a medical cannabis pharmacy as a home delivery medical cannabis pharmacy if the department determines that the medical cannabis pharmacy's operating plan demonstrates the functional and technical ability to:
  (a) safely conduct transactions for medical cannabis shipments;
  (b) accept electronic medical cannabis orders; and
  (c) accept payments through:
    (i) a payment provider that the Division of Finance approves, in consultation with the state treasurer, in accordance with Section 26-61a-603; or
    (ii) a financial institution in accordance with Subsection 26-61a-603(4).

(2) An applicant seeking a designation as a home delivery medical cannabis pharmacy shall identify in the applicant's operating plan any information relevant to the department's evaluation described in Subsection (1), including:
  (a) the name and contact information of the payment provider;
  (b) the nature of the relationship between the prospective licensee and the payment provider;
  (c) the processes of the following to safely and reliably conduct transactions for medical cannabis shipments:
    (i) the prospective licensee; and
    (ii) the electronic payment provider or the financial institution described in Subsection (1)(c); and
  (d) the ability of the licensee to comply with the department's rules regarding the secure transportation and delivery of medical cannabis to a medical cannabis cardholder.

(3) Notwithstanding any county or municipal ordinance, a medical cannabis pharmacy that the department designates as a home delivery medical cannabis pharmacy may deliver medical cannabis shipments in accordance with this part.

Amended by Chapter 114, 2025 General Session

4-41a-1202 Home delivery of medical cannabis shipments -- Medical cannabis couriers -- License.

(1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ensure the safety, security, and efficiency of a home delivery medical cannabis pharmacy's fulfillment of electronic medical cannabis orders, including rules regarding the safe and controlled delivery of medical cannabis shipments.

(2) A person may not operate as a medical cannabis courier without a license that the licensing board issues under this section.

(3)
  (a) Subject to Subsections (5) and (6), the licensing board shall issue a license to operate as a medical cannabis courier to an applicant who is eligible for a license under this section.
  (b) An applicant is eligible for a license under this section if the applicant submits to the licensing board:

(i) the name and address of an individual who:
(A) has a financial or voting interest of 10% or greater in the proposed medical cannabis courier; or
(B) has the power to direct or cause the management or control of a proposed cannabis production establishment;
(ii) an operating plan that includes operating procedures to comply with the operating requirements for a medical cannabis courier described in this chapter; and
(iii) an application fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

(4) If the licensing board determines that an applicant is eligible for a license under this section, the department shall:
(a) charge the applicant an initial license fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and
(b) notify the Department of Public Safety of the license approval and the names of each individual described in Subsection (3)(b)(i).

(5) The licensing board may not issue a license to operate as a medical cannabis courier to an applicant if an individual described in Subsection (3)(b)(i):
(a) has been convicted under state or federal law of:
(i) a felony in the preceding 10 years; or
(ii) after September 23, 2019, a misdemeanor for drug distribution; or
(b) is younger than 21 years old.

(6) The licensing board may revoke a license under this part if:
(a) the medical cannabis courier does not begin operations within one year after the day on which the department issues the initial license;
(b) the medical cannabis courier makes the same violation of this chapter three times;
(c) an individual described in Subsection (3)(b)(i) is convicted, while the license is active, under state or federal law of:
(i) a felony; or
(ii) after September 23, 2019, a misdemeanor for drug distribution; or
(d) after a change of ownership described in Subsection (14)(c), the licensing board determines that the medical cannabis courier no longer meets the minimum standards for licensure and operation of the medical cannabis courier described in this chapter.

(7) The department shall deposit the proceeds of a fee imposed by this section into the Qualified Production Enterprise Fund.

(8) The licensing board's authority to issue a license under this section is plenary and is not subject to review.

(9) Each applicant for a license as a medical cannabis courier shall submit, at the time of application, from each individual who has a financial or voting interest of 10% or greater in the applicant or who has the power to direct or cause the management or control of the applicant:
(a) a fingerprint card in a form acceptable to the Department of Public Safety;
(b) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the individual's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
(c) consent to a fingerprint background check by:
(i) the Bureau of Criminal Identification; and
(ii) the Federal Bureau of Investigation.

(10) The Bureau of Criminal Identification shall:

(a) check the fingerprints the applicant submits under Subsection (9) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
(b) report the results of the background check to the department;
(c) maintain a separate file of fingerprints that applicants submit under Subsection (9) for search by future submissions to the local and regional criminal records databases, including latent prints;
(d) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and
(e) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(11) The department shall:
(a) assess an individual who submits fingerprints under Subsection (9) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and
(b) remit the fee described in Subsection (11)(a) to the Bureau of Criminal Identification.

(12) The licensing board shall renew a license under this section every year if, at the time of renewal:
(a) the licensee meets the requirements of this section; and
(b) the licensee pays the department a license renewal fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.

(13) A person applying for a medical cannabis courier license shall submit to the licensing board a proposed operating plan that complies with this section and that includes:
(a) a description of the physical characteristics of any proposed facilities, including a floor plan and an architectural elevation, and delivery vehicles;
(b) a description of the credentials and experience of each officer, director, or owner of the proposed medical cannabis courier;
(c) the medical cannabis courier's employee training standards;
(d) a security plan; and
(e) storage and delivery protocols, both short and long term, to ensure that medical cannabis shipments are stored and delivered in a manner that is sanitary and preserves the integrity of the cannabis.

(14)
(a) A medical cannabis courier license is not transferable or assignable.
(b) A medical cannabis courier shall report in writing to the department no later than 45 business days before the date of any change of ownership of the medical cannabis courier.
(c) If the ownership of a medical cannabis courier changes by 50% or more:
(i) concurrent with the report described in Subsection (14)(b), the medical cannabis courier shall submit a new application described in Subsection (3)(b);
(ii) within 30 days of the submission of the application, the licensing board shall:
(A) conduct an application review; and
(B) award a license to the medical cannabis courier for the remainder of the term of the medical cannabis courier's license before the ownership change if the medical cannabis courier meets the minimum standards for licensure and operation of the medical cannabis courier described in this chapter; and

(iii) if the licensing board approves the license application, notwithstanding Subsection (4), the medical cannabis courier shall pay a license fee that the department sets in accordance with Section 63J-1-504 in an amount that covers the licensing board's cost of conducting the application review.

(15)

(a) Except as provided in Subsection(15)(b), a person may not advertise regarding the transportation of medical cannabis.

(b) Notwithstanding Subsection (14)(a) and subject to Section 4-41a-109, a licensed home delivery medical cannabis pharmacy or a licensed medical cannabis courier may advertise:

(i) a green cross;

(ii) the pharmacy's or courier's name and logo; and

(iii) that the pharmacy or courier is licensed to transport medical cannabis shipments.

Amended by Chapter 114, 2025 General Session
Amended by Chapter 414, 2025 General Session

4-41a-1203 Medical cannabis shipment transportation.

(1) The department shall ensure that each home delivery medical cannabis pharmacy is capable of delivering, directly or through a medical cannabis courier, medical cannabis shipments in a secure manner.

(2)

(a) A home delivery medical cannabis pharmacy may contract with a licensed medical cannabis courier to deliver medical cannabis shipments to fulfill electronic medical cannabis orders.

(b) If a home delivery medical cannabis pharmacy enters into a contract described in Subsection (2)(a), the pharmacy shall:

(i) impose security and personnel requirements on the medical cannabis courier sufficient to ensure the security and safety of medical cannabis shipments; and

(ii) provide regular oversight of the medical cannabis courier.

(3) Notwithstanding Subsection 4-41a-404(1), an individual may transport a medical cannabis shipment if the individual is:

(a) a registered pharmacy medical provider;

(b) a registered medical cannabis pharmacy agent; or

(c) a registered agent of the medical cannabis courier described in Subsection (2).

(4) An individual transporting a medical cannabis shipment under Subsection (3) shall comply with the requirements of Subsection 4-41a-404(3).

(5) In addition to the requirements in Subsections (3) and (4), the department may establish by rule, in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, requirements for transporting medical cannabis shipments that are related to safety for human consumption of medical cannabis.

(6)

(a) It is unlawful for an individual to transport a medical cannabis shipment with a manifest that does not meet the requirements of Subsection (4).

(b) Except as provided in Subsection (6)(d), an individual who violates Subsection (6)(a) is:

(i) guilty of an infraction; and

(ii) subject to a $100 fine.

(c) An individual who is guilty of a violation described in Subsection (6)(b) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (6)(b).
(d) If the individual described in Subsection (6)(a) is transporting more cannabis, cannabis product, or medical cannabis devices than the manifest identifies, except for a de minimis administrative error:
(i) this chapter does not apply; and
(ii) the individual is subject to penalties under Title 58, Chapter 37, Utah Controlled Substances Act.

Amended by Chapter 114, 2025 General Session

4-41a-1204 Medical cannabis courier agent -- Background check -- Registration card -- Rebuttable presumption.

(1) An individual may not serve as a medical cannabis courier agent unless the department registers the individual as a medical cannabis courier agent.
(2)
(a) The department shall, within 15 days after the day on which the department receives a complete application from a medical cannabis courier on behalf of a medical cannabis courier agent, register and issue a medical cannabis courier agent registration card to the prospective agent if the medical cannabis courier:
(i) provides to the department:
(A) the prospective agent's name and address;
(B) the name and address of the medical cannabis courier;
(C) the name and address of each home delivery medical cannabis pharmacy with which the medical cannabis courier contracts to deliver medical cannabis shipments; and
(D) the submission required under Subsection (2)(b);
(ii) as reported under Subsection (2)(c), has not been convicted under state or federal law of:
(A) a felony; or
(B) after December 3, 2018, a misdemeanor for drug distribution; and
(iii) pays the department a fee in an amount that, subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504.
(b) Each prospective agent described in Subsection (2)(a) shall:
(i) submit to the department:
(A) a fingerprint card in a form acceptable to the Department of Public Safety; and
(B) a signed waiver in accordance with Subsection 53-10-108(4) acknowledging the registration of the prospective agent's fingerprints in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service; and
(ii) consent to a fingerprint background check by:
(A) the Bureau of Criminal Identification; and
(B) the Federal Bureau of Investigation.
(c) The Bureau of Criminal Identification shall:
(i) check the fingerprints the prospective agent submits under Subsection (2)(b) against the applicable state, regional, and national criminal records databases, including the Federal Bureau of Investigation Next Generation Identification System;
(ii) report the results of the background check to the department;

(iii) maintain a separate file of fingerprints that prospective agents submit under Subsection (2)(b) for search by future submissions to the local and regional criminal records databases, including latent prints;

(iv) request that the fingerprints be retained in the Federal Bureau of Investigation Next Generation Identification System's Rap Back Service for search by future submissions to national criminal records databases, including the Next Generation Identification System and latent prints; and

(v) establish a privacy risk mitigation strategy to ensure that the department only receives notifications for an individual with whom the department maintains an authorizing relationship.

(d) The department shall:

(i) assess an individual who submits fingerprints under Subsection (2)(b) a fee in an amount that the department sets in accordance with Section 63J-1-504 for the services that the Bureau of Criminal Identification or another authorized agency provides under this section; and

(ii) remit the fee described in Subsection (2)(d)(i) to the Bureau of Criminal Identification.

(3)

(a) A medical cannabis courier agent shall comply with a certification standard that the department develops, in collaboration with the Division of Professional Licensing and the Board of Pharmacy, or a third-party certification standard that the department designates by rule in collaboration with the Division of Professional Licensing and the Board of Pharmacy and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The department shall ensure that the certification standard described in Subsection (3)(a) includes training in:

(i) Utah medical cannabis law;

(ii) the medical cannabis shipment process; and

(iii) medical cannabis courier agent best practices.

(4)

(a) A medical cannabis courier agent registration card expires two years after the day on which the department issues or renews the card.

(b) A medical cannabis courier agent may renew the agent's registration card if the agent:

(i) is eligible for a medical cannabis courier agent registration card under this section;

(ii) certifies to the department in a renewal application that the information in Subsection (2)(a) is accurate or updates the information; and

(iii) pays to the department a renewal fee in an amount that:

(A) subject to Subsection 4-41a-104(5), the department sets in accordance with Section 63J-1-504; and

(B) may not exceed the cost of the relatively lower administrative burden of renewal in comparison to the original application process.

(5) The department may revoke or refuse to issue or renew the medical cannabis courier agent registration card of an individual who:

(a) violates the requirements of this chapter; or

(b) is convicted under state or federal law of:

(i) a felony within the preceding 10 years; or

(ii) after December 3, 2018, a misdemeanor for drug distribution.

(6) A medical cannabis courier agent whom the department has registered under this section shall carry the agent's medical cannabis courier agent registration card with the agent at all times when:

(a) the agent is on the premises of the medical cannabis courier, a medical cannabis pharmacy, or a delivery address; and
(b) the agent is handling a medical cannabis shipment.
(7) If a medical cannabis courier agent handling a medical cannabis shipment possesses the shipment in compliance with Subsection (6):
(a) there is a rebuttable presumption that the agent possesses the shipment legally; and
(b) there is no probable cause, based solely on the agent's possession of the medical cannabis shipment that the agent is engaging in illegal activity.
(8)
(a) A medical cannabis courier agent who violates Subsection (6) is:
(i) guilty of an infraction; and
(ii) subject to a $100 fine.
(b) An individual who is guilty of a violation described in Subsection (8)(a) is not guilty of a violation of Title 58, Chapter 37, Utah Controlled Substances Act, for the conduct underlying the violation described in Subsection (8)(a).
(9) A medical cannabis courier shall:
(a) maintain a list of employees who have a medical cannabis courier agent card; and
(b) provide the list to the department upon request.

Amended by Chapter 414, 2025 General Session

4-41a-1205 Home delivery of medical cannabis shipments.
(1) An individual may not receive and a medical cannabis pharmacy agent or a medical cannabis courier agent may not deliver a medical cannabis shipment from a home delivery medical cannabis pharmacy unless:
(a) the individual receiving the shipment presents:
(i) a government issued photo identification; and
(ii)
(A) a valid medical cannabis card under the same name that appears on the government issued photo identification; or
(B) for a facility that a medical cannabis cardholder has designated as a caregiver under Subsection 26B-4-214(1)(b), evidence of the facility caregiver designation; and
(b) the delivery occurs at:
(i) the delivery address that is on file in the state electronic verification system; or
(ii) the facility that the medical cannabis cardholder has designated as a caregiver under Subsection 26B-4-214(1)(b).
(2)
(a) A medical cannabis pharmacy agent may not deliver a medical cannabis shipment on behalf of a home delivery medical cannabis pharmacy unless the medical cannabis pharmacy agent is currently employed by the home delivery medical cannabis pharmacy.
(b) A medical cannabis courier agent may not deliver a medical cannabis shipment on behalf of a medical cannabis courier unless the medical cannabis courier agent is currently employed by the medical cannabis courier.
(c) Before a medical cannabis pharmacy agent or a medical cannabis courier agent distributes a medical cannabis shipment to a medical cannabis cardholder, the agent shall:
(i) verify the shipment information using the state electronic verification system;
(ii) ensure that the individual satisfies the identification requirements in Subsection (1);
(iii) verify that payment is complete; and

(iv) record the completion of the shipment transaction in a manner such that the delivery of the shipment will later be recorded within a reasonable period in the electronic verification system.

(3) The medical cannabis courier shall:

(a)

(i) store each medical cannabis shipment in a secure manner until the recipient medical cannabis cardholder receives the shipment or the medical cannabis courier returns the shipment to the home delivery medical cannabis pharmacy in accordance with Subsection (4); and

(ii) ensure that only a medical cannabis courier agent is able to access the medical cannabis shipment until the recipient medical cannabis cardholder receives the shipment;

(b) return any undelivered medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), after the medical cannabis courier has possessed the shipment for 10 business days; and

(c) return any medical cannabis shipment to the home delivery medical cannabis pharmacy, in accordance with Subsection (4), if a medical cannabis cardholder refuses to accept the shipment.

(4)

(a) If a medical cannabis courier or home delivery medical cannabis pharmacy agent returns an undelivered medical cannabis shipment that remains unopened, the home delivery medical cannabis pharmacy may repackage or otherwise reuse the shipment.

(b) If a medical cannabis courier or home delivery medical cannabis pharmacy agent returns an undelivered or refused medical cannabis shipment under Subsection (3) that appears to be opened in any way, the home delivery medical cannabis pharmacy shall dispose of the shipment by:

(i) rendering the shipment unusable and unrecognizable before transporting the shipment from the home delivery medical cannabis pharmacy; and

(ii) disposing of the shipment in accordance with:

(A) federal and state laws, rules, and regulations related to hazardous waste;

(B) the Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6991 et seq.;

(C) Title 19, Chapter 6, Part 5, Solid Waste Management Act; and

(D) other regulations that the department makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 273, 2023 General Session
Renumbered and Amended by Chapter 307, 2023 General Session
Amended by Chapter 307, 2023 General Session, (Coordination Clause)
Amended by Chapter 317, 2023 General Session

4-41a-1206 Closed-door medical cannabis pharmacy.

(1)

(a) Subject to Subsections (1)(b) and (c), a home delivery medical cannabis pharmacy may open a single closed-door medical cannabis pharmacy.

(b) A home delivery medical cannabis pharmacy may not open a closed-door medical cannabis pharmacy unless the home delivery medical cannabis pharmacy:

(i) has an operating plan that includes a closed-door medical cannabis pharmacy; and

(ii) obtains a license issued by the department for a closed-door medical cannabis pharmacy.

(c) An entity that owns multiple home delivery medical cannabis pharmacies may open only one closed-door medical cannabis pharmacy.
(d) The department may institute a fee in accordance with Section 63J-1-504 to administer this section.
(2) A home delivery medical cannabis pharmacy that opens a closed-door medical cannabis pharmacy under Subsection (1) shall ensure:
(a) that a pharmacy medical provider who is a licensed pharmacist:
(i) is directly supervising the packaging of an order; and
(ii) is present in the closed-door medical cannabis pharmacy when an order is packaged for delivery; and
(b) all record keeping requirements, labeling requirements, and patient counseling requirements described in this chapter and Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, are satisfied before sending out an order.
(3) An individual who prepares an order at a closed-door medical cannabis pharmacy under this section shall be registered as:
(a) a pharmacy medical provider; or
(b) a medical cannabis pharmacy agent.
(4)
(a) A closed-door medical cannabis pharmacy shall operate:
(i) except as provided in Subsection (4)(b), in a facility that is accessible only by an individual who is a pharmacy medical provider or a medical cannabis pharmacy agent; and
(ii) at a physical address in accordance with Subsection (6).
(b) A closed-door medical cannabis pharmacy may authorize an individual who is at least 18 years old and is not a pharmacy medical provider or a cannabis pharmacy agent to access the closed-door medical cannabis pharmacy if the closed-door medical cannabis pharmacy:
(i) tracks and monitors the individual at all times while the individual is at the closed-door medical cannabis pharmacy; and
(ii) maintains a record of the individual's access, including arrival and departure.
(c) A closed-door medical cannabis pharmacy shall operate in a facility that has:
(i) a single, secure public entrance; and
(ii) a security system with a backup power source that:
(A) detects and records entry into the closed-door medical cannabis pharmacy;
(B) provides notice of an unauthorized entry to law enforcement when the closed-door medical cannabis pharmacy is closed; and
(C) a lock or equivalent restrictive security feature on any area where the closed-door medical cannabis pharmacy stores a cannabis product.
(d) A closed-door medical cannabis pharmacy shall ensure that any cannabis or cannabis products in the closed-door medical cannabis pharmacy that are intended for home delivery are separated in a manner that is readily distinguishable from any other cannabis or cannabis product in the facility.
(5) A closed-door medical cannabis pharmacy may only provide cannabis or a cannabis product to an individual through a delivery that complies with this part.
(6)
(a) A person may not locate a closed-door medical cannabis pharmacy:
(i) within 1,000 feet of a community location; or
(ii) in or within 600 feet of a district that the relevant municipality or county has zoned as primarily residential.

(b) The proximity requirements described in Subsection (6)(a) shall be measured from the nearest entrance to the closed-door medical cannabis pharmacy by following the shortest route of ordinary pedestrian travel to the property boundary of the community location or residential area.
(c) The licensing board may grant a waiver to reduce the proximity requirements in Subsection (6)(a) by up to 20% if the licensing board determines that it is not reasonably feasible for the applicant to site the proposed closed-door medical cannabis pharmacy without the waiver.
(d) An applicant for a license under this section shall provide evidence of compliance with the proximity requirements described in Subsection (6)(a).
(7) When determining where a closed-door medical cannabis pharmacy may open, the licensing board:
(a) shall utilize geographic regions created by the department through rule;
(b) shall prioritize allowing entities that do not have a medical cannabis pharmacy in a region to open a closed-door medical cannabis pharmacy in the region;
(c) of the total amount of closed-door medical cannabis pharmacies, may allow only three closed-door medical cannabis pharmacies to operate in counties of the first and second class as described in Section 17-50-501; and
(d) for determining the three closed-door medical cannabis pharmacies described in Subsection (7)(c), consider the following:
(i) the history of compliance with state law and rules for all licenses issued under this chapter;
(ii) the medical cannabis pharmacy's willingness to offer a variety of brands and products;
(iii) the ability of the operating plan to ensure the safety and security of the community;
(iv) the suitability of the proposed location and the location's ability to serve the local community; and
(v) any other relevant information determined through rule.
(8) A closed-door medical cannabis pharmacy may not account for more than:
(a) for an entity that holds a single medical cannabis pharmacy license, the greater of:
(i) 35% of the medical cannabis pharmacy's total revenue; or
(ii) $2,000,000 in total revenue; or
(b) for an entity that holds more than one medical cannabis pharmacy license, the greater of:
(i) 35% of the total revenue of the entity's medical cannabis pharmacy that generates the most revenue; or
(ii) $2,000,000 in total revenue.
(9) Notwithstanding any other provision of this section, the licensing board may issue only one closed-door medical cannabis pharmacy license before July 1, 2027.
(10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to implement this section.

Amended by Chapter 114, 2025 General Session

Chapter 44
Agricultural Operations Nuisances Act

Part 1
General Provisions

4-44-101 Title.

This chapter is known as "Agricultural Operations Nuisances Act."

Enacted by Chapter 81, 2019 General Session

4-44-102 Definitions.

As used in this chapter:

(1)
(a) "Agricultural operation" means the commercial production of crops, orchards, livestock, poultry, aquaculture, livestock products, or poultry products.
(b) "Agricultural operation" includes:
(i) the real property where the commercial production described in Subsection (1)(a) occurs;
(ii) a facility, a property, or equipment used to facilitate the commercial production described in Subsection (1)(a);
(iii) an agritourism activity, as defined in Section 78B-4-512; or
(iv) an agricultural protection area established under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas.

(2) "Fundamental change to the operation" does not include:
(a) a change in ownership or size;
(b) an interruption of farming for a period of no more than three years;
(c) participation in a government-sponsored agricultural program;
(d) employment of new technology; or
(e) a change in the type of agricultural product produced.

(3) "Nuisance" means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

Amended by Chapter 30, 2024 General Session

Part 2
Nuisance Actions

4-44-201 Defenses in nuisance actions.

(1) It is a defense in a civil action for nuisance against an agricultural operation that:
(a) the plaintiff is not a legal possessor of the real property affected by the conditions alleged to be the nuisance;
(b) the real property affected by the conditions alleged to be the nuisance is located outside one-half mile of the source of the activity or structure alleged to be the nuisance; or
(c) the action is filed more than one year after:
(i) the establishment of the agricultural operation; or
(ii) the agricultural operation undergoes a fundamental change.

(2) This section may not be construed to invalidate any contract made before May 14, 2019.

(3) In a nuisance action against an agricultural operation, the court shall award costs and expenses, including reasonable attorney fees, to:

(a) the agricultural operation when the court finds the agricultural operation is not a nuisance and the nuisance action is frivolous or malicious; or
(b) the plaintiff when the court finds the agricultural operation is a nuisance and the agricultural operation asserts an affirmative defense in the nuisance action that is frivolous and malicious.
(4) A person who knowingly violates a judgment or order abating or otherwise enjoining a nuisance is guilty of a class B misdemeanor.

Enacted by Chapter 81, 2019 General Session

4-44-202 Application of other statutes -- Ordinances.
(1)
(a) In a civil action for nuisance or a criminal action for public nuisance under Section 76-9-1301, it is a defense if the action involves agricultural operations and those agricultural operations are conducted in the normal and ordinary course of agricultural operations or conducted in accordance with sound agricultural practices.
(b) Agricultural operations undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices.
(2) If the agricultural operations occur in an agricultural protection area, as defined in Section 17-41-101, Section 17-41-403 governs the action for nuisance.
(3)
(a) An ordinance of a political subdivision that would make the operation of an agricultural operation or appurtenances to an agricultural operation a nuisance or that provide for abatement of the agricultural operation as a nuisance does not apply to an agricultural operation that is conducted in the normal and ordinary course of agricultural operations or conducted in accordance with sound agricultural practices.
(b) An agricultural operation undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, are presumed to be operating within sound agricultural practices.

Amended by Chapter 173, 2025 General Session

Chapter 45
Kratom Consumer Protection Act

4-45-101 Title.
This chapter is known as the "Kratom Consumer Protection Act."

Enacted by Chapter 329, 2019 General Session

4-45-102 Definitions.
As used in this chapter:
(1) "Commissioner" means the commissioner of the department.
(2) "Department" means the Department of Agriculture and Food created in Section 4-2-102.
(3) "Food" means:

(a) an article used for food or drink for human or animal consumption or the components of the article;
(b) chewing gum or chewing gum components; or
(c) a food supplement for special dietary use that is necessitated because of a physical, physiological, pathological, or other condition.
(4) "Kratom processor" means a person who:
(a) sells, prepares, or maintains a kratom product; or
(b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a kratom product.
(5) "Kratom product" mean food containing any part of a leaf of the plant Mitragyna speciosa.

Enacted by Chapter 329, 2019 General Session

4-45-103 Factual basis for claim as kratom product required -- Administrative penalty -- Request for hearing.
(1) A kratom processor shall disclose on the product label of each kratom product that the kratom processor prepares, distributes, sells, or offers for sale the factual basis upon which the kratom processor represents the food as a kratom product.
(2) For a violation of Subsection (1), a kratom processor is subject to an administrative fine of:
(a) up to $500 for the first offense; and
(b) up to $1,000 for a second or subsequent offense.
(3) Upon the request of a kratom processor fined under this section, the commissioner shall conduct a hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Enacted by Chapter 329, 2019 General Session

4-45-104 Kratom processor requirements -- Criminal penalty.
(1) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product:
(a) that is mixed or packed with a nonkratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;
(b) that contains a poisonous or otherwise deleterious nonkratom ingredient, including a controlled substance as defined in Section 58-37-2;
(c) containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2% of the alkaloid composition of the kratom product;
(d) containing a synthetic alkaloid, including synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the kratom plant; or
(e) that does not include a product label on the kratom product packaging that states the amount of mitragynine and 7-hydroxymitragynine contained in the packaged kratom product.
(2) A kratom processor who violates Subsection (1) is guilty of a class C misdemeanor for each violation.
(3) A kratom processor does not violate Subsection (1) if the kratom processor shows by a preponderance of the evidence that the kratom processor relied in good faith upon the representation of a manufacturer, processor, packer, or distributor of food represented to be a kratom product.
(4) A kratom processor may not prepare, distribute, sell, or offer for sale a kratom product that is not registered with the department in accordance with this chapter.
(5) A kratom processor shall register as a food establishment in accordance with Section 4-5-301.

Enacted by Chapter 329, 2019 General Session

4-45-105 Prohibition on sale to minors -- Criminal penalty.

(1) A kratom processor may not distribute, sell, or offer for sale a kratom product to an individual under 18 years of age.

(2) A kratom processor who violates this section is guilty of a class C misdemeanor for each violation.

Enacted by Chapter 329, 2019 General Session

4-45-106 Civil action available.

In addition to and distinct from any other remedy at law, an individual may bring a civil action, in a competent court of jurisdiction, for damages resulting from a violation of this chapter, including economic, noneconomic, or consequential damages.

Enacted by Chapter 329, 2019 General Session

4-45-107 Rulemaking.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration and enforcement of this chapter.

(2) The rules described in Subsection (1) shall include standards for a registered kratom product, including standards for:

(a) testing to ensure the product is safe for human consumption;

(b) accurate labeling; and

(c) any other issue the department considers necessary.

Enacted by Chapter 329, 2019 General Session

4-45-108 Registration of kratom products -- Department duties.

(1) The department shall set a fee to register a kratom product, in accordance with Section 4-2-103.

(2) The fee described in Subsection (1) may be paid by a producer, manufacturer, or distributor of a kratom product, but a kratom product may not be registered with the department until the fee is paid.

(3) The department shall:

(a) set an administrative fine, larger than the fee described in Subsection (1), for a person who sells a kratom product that is not registered with the department; and

(b) assess the fine described in Subsection (3)(a) against any person who offers an unregistered kratom product for sale in this state.

(4) The department may seize and destroy any unregistered kratom product offered for sale in this state.

Enacted by Chapter 329, 2019 General Session

Chapter 46
Conservation Coordination Act

Part 1
General Provisions

4-46-101 Policy.

It is the policy of this state that land conservation should be promoted to protect the state's agricultural industry and natural resources.

Enacted by Chapter 68, 2022 General Session

4-46-102 Definitions.

As used in this chapter:

(1) "Agricultural land" means "land in agricultural use," as defined in Section 59-2-502.

(2) "Board" means the Land Conservation Board established in Section 4-46-201.

(3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.

(4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.

(5) "Director" means the director of the Division of Conservation.

(6) "Division" means the Division of Conservation created in Section 4-46-401.

(7) "Fund" means the LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.

(8) "Land use authority" means:

(a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

(b) a land use authority, as defined in Section 17-27a-103, of a county.

(9) "Local entity" means a county, city, or town.

(10)

(a) "Open land" means land that is:

(i) preserved in or restored to a predominantly natural, open, and undeveloped condition; and

(ii) used for:

(A) wildlife habitat;

(B) cultural or recreational use;

(C) watershed protection; or

(D) another use consistent with the preservation of the land in, or restoration of the land to, a predominantly natural, open, and undeveloped condition.

(b) "Open land" includes land described in Subsection (10)(a) that contains facilities, including trails, waterways, and grassy areas, that:

(i) enhance the natural, scenic, or aesthetic qualities of the land; or

(ii) facilitate the public's access to or use of the land for the enjoyment of the land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

(c) "Open land" does not include land whose predominant use is as a developed facility for active recreational activities, including baseball, tennis, soccer, golf, or other sporting or similar activities.

(11)

(a) "State conservation efforts" includes:

(i) efforts to optimize and preserve the uses of land for the benefit of the state's agricultural industry and natural resources; and

(ii) conservation of working landscapes that if conserved, preserves the state's agricultural industry and natural resources, such as working agricultural land.

(b) "State conservation efforts" does not include the purpose of opening private property to public access without the consent of the owner of the private property.

(12)

(a) "Working agricultural land" means agricultural land for which an owner or producer engages in the activity of producing for commercial purposes crops, orchards, livestock, poultry, aquaculture, livestock products, or poultry products and the facilities, equipment, and property used to facilitate the activity.

(b) "Working agricultural land" includes an agricultural protection area established under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas.

Amended by Chapter 180, 2023 General Session

4-46-103 Application of chapter to wildlife issues.

This chapter may not be construed or applied to supersede or interfere with the powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23A, Wildlife Resources Act, over:

(1) conservation and management of protected wildlife within the state;

(2) a program or initiative to restore and conserve habitat for fish and wildlife; or

(3) acquisition, ownership, management, and control of real property or a real property interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

Amended by Chapter 34, 2023 General Session

Part 2
Land Conservation Board

4-46-201 Land Conservation Board.

(1) There is created a Land Conservation Board consisting of:

(a) the director of the Division of Conservation or the director's designee;

(b) the commissioner of the Department of Agriculture and Food or the commissioner's designee;

(c) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;

(d) four elected officials at the local government level, two of whom may not be residents of a county of the first or second class; and

(e) seven persons from the profit and nonprofit private sector:

(i) two of whom may not be residents of a county of the first or second class;

(ii) one of whom shall be from the residential construction industry, nominated by an association representing Utah home builders;

(iii) one of whom shall be from the real estate industry, nominated by an association representing Utah realtors;

(iv) one representative of an association representing farmers, selected from a list of nominees submitted by at least one association representing farmers;

(v) one representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;

(vi) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;
(vii) one representative of land trusts; and
(viii) one representative of an association representing conservation districts created under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees submitted by at least one association representing conservation districts.

(2)
(a) The governor shall appoint a board member under Subsection (1)(d) or (e) with the advice and consent of the Senate.
(b) The governor shall select:
(i) two of the four members under Subsection (1)(d) from a list of names provided by the Utah League of Cities and Towns; and
(ii) two of the four members under Subsection (1)(d) from a list of names provided by the Utah Association of Counties.

(3)
(a) The term of office of a member appointed under Subsection (1)(d) or (e) is four years.
(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.
(c) A member of the board appointed under Subsection (1)(d) or (e) may not serve more than two consecutive four-year terms.

(4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).

(5)
(a) Subject to Subsection (5)(b), board members shall elect a chair from their number and establish rules for the organization and operation of the board.
(b) The board member who is chair may not vote during the board member's tenure as chair, except the chair may vote if there is a tie vote of board members.

(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) A member is not required to give bond for the performance of official duties.

(8) Staff services to the board shall be provided by the Division of Conservation.

Enacted by Chapter 68, 2022 General Session

4-46-202 Board duties and powers -- No regulatory authority -- Criteria.

(1) The board shall:
(a) administer the fund as provided in this chapter; and
(b) fulfill other responsibilities imposed on the board by the Legislature.

(2) The board may not exercise any regulatory authority.

(3) In carrying out the board's powers and duties under this chapter, the board shall adopt ranking criteria that is substantially similar to the ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land Easement as determined by the Natural Resources Conservation Service under the United States Department of Agriculture.

Amended by Chapter 180, 2023 General Session

Part 3
LeRay McAllister Working Farm and Ranch Fund

4-46-301 LeRay McAllister Working Farm and Ranch Fund.

(1) There is created a restricted account within the General Fund entitled the "LeRay McAllister Working Farm and Ranch Fund."

(2) The LeRay McAllister Working Farm and Ranch Fund shall consist of:
  (a) appropriations by the Legislature;
  (b) grants from federal or private sources;
  (c) revenue paid in accordance with Section 59-2-506, 59-2-511, 59-2-1705, or 59-2-1710; and
  (d) interest and earnings from the account.

(3) The Land Conservation Board created in Section 4-46-201 may use appropriations from the fund in accordance with Section 4-46-302.

Amended by Chapter 143, 2025 General Session

4-46-302 Program -- Use of money in fund -- Criteria -- Administration.

(1) Subject to Subsection (2), the board shall administer the LeRay McAllister Working Farm and Ranch Fund Program under which the board may authorize the use of money in the fund, by grant, to:
  (a) a local entity;
  (b) the Department of Natural Resources created under Section 79-2-201;
  (c) an entity within the department; or
  (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code.

(2)
  (a) The money in the fund shall be used for preserving or restoring open land and agricultural land.
  (b) Except as provided in Subsection (2)(c), money from the fund:
    (i) may be used to:
      (A) establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act; or
      (B) fund similar methods to preserve open land or agricultural land; and
    (ii) may not be used to purchase a fee interest in real property to preserve open land or agricultural land.
  (c) Money from the fund may be used to purchase a fee interest in real property to preserve open land or agricultural land if:
    (i) the property to be purchased is no more than 20 acres in size; and
    (ii) with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.
  (d) Eminent domain may not be used or threatened in connection with any purchase using money from the fund.

(e) A parcel of land larger than 20 acres in size may not be divided to create one or more parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).

(f) A local entity, department, or organization under Subsection (1) may not receive money from the fund unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the fund.

(g) In granting money from the fund, the board may impose conditions on the recipient as to how the money is to be spent.

(h) The board shall give priority to:

(i) working agricultural land; and

(ii) after giving priority to working agricultural land under Subsection (2)(h)(i), requests from the Department of Natural Resources for up to 20% of each annual increase in the amount of money in the fund if the money is used for the protection of wildlife or watershed.

(i)

(i) The board may not make a grant from the fund that exceeds $1,000,000 until after making a report to the Legislative Management Committee about the grant.

(ii) The Legislative Management Committee may make a recommendation to the board concerning the intended grant, but the recommendation is not binding on the board.

(3) In determining the amount and type of financial assistance to provide a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(i), the board shall consider:

(a) the nature and amount of open land and agricultural land proposed to be preserved or restored;

(b) the qualities of the open land and agricultural land proposed to be preserved or restored;

(c) the cost effectiveness of the project to preserve or restore open land or agricultural land;

(d) the funds available;

(e) the number of actual and potential applications for financial assistance and the amount of money sought by those applications;

(f) the open land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity;

(g) the effects on housing affordability and diversity; and

(h) whether the project protects against the loss of private property ownership.

(4) If a local entity, department, or organization under Subsection (1) seeks money from the fund for a project whose purpose is to protect critical watershed, the board shall require that the needs and quality of that project be verified by the state engineer.

(5) An interest in real property purchased with money from the fund shall be held and administered by the state or a local entity.

(6)

(a) The board may not authorize the use of money under this section for a project unless the land use authority for the land in which the project is located consents to the project.

(b) To obtain consent to a project, the person who is seeking money from the fund shall submit a request for consent to a project with the applicable land use authority. The land use authority may grant or deny consent. If the land use authority does not take action within 60 days from the day on which the request for consent is filed with the land use authority under this Subsection (6), the board shall treat the project as having the consent of the land use authority.

(c) An action of a land use authority under this Subsection (6) is not a land use decision subject to:

(i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

(ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Amended by Chapter 91, 2025 General Session

4-46-303 Board to report annually.

The board shall submit an annual report to the Transportation and Infrastructure and Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittees:

(1) specifying the amount of each disbursement from the fund;

(2) identifying the recipient of each disbursement and describing the project for which money was disbursed; and

(3) detailing the conditions, if any, placed by the board on disbursements from the fund.

Amended by Chapter 271, 2025 General Session

4-46-304 Agriculture Conservation Easement Account.

(1) There is created an expendable special revenue fund known as the Agriculture Conservation Easement Account.

(2) The Agriculture Conservation Easement Account consists of:

(a) conservation easement stewardship fees;

(b) grants from private foundations;

(c) grants from local governments, the state, or the federal government;

(d) grants from the Land Conservation Board created under Section 4-46-201;

(e) donations from landowners for monitoring and enforcing compliance with conservation easements;

(f) donations from any other person; and

(g) interest on account money.

(3) The department shall use money from the account to monitor and enforce compliance with conservation easements held by the department.

(4) The department may not receive or expend donations from the account to acquire conservation easements.

Amended by Chapter 91, 2025 General Session

Part 4
Division of Conservation

4-46-401 Division of Conservation created -- Director.

(1) Within the department there is created the Division of Conservation.

(2)

(a) The director is the executive and administrative head of the division.

(b) The director shall administer this part subject to the administration and general supervision of the commissioner.

(3) The division shall coordinate state conservation efforts by:

(a) staffing the board created in Section 4-46-201;

(b) coordinating with a conservation district in accordance with Section 4-46-402;

(c) coordinating with an agency or division within the department, the Department of Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and federal agencies;
(d) facilitating obtaining federal funds in addition to state funds used for state conservation efforts;
(e) monitoring and providing for the management of conservation easements on state lands, including coordination with the Division of Wildlife Resources in the Division of Wildlife Resources' administration of Section 23A-3-204; and
(f) implementing rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section 4-46-403.
(4) The division may cooperate with, or enter into agreements with, other agencies of this state and federal agencies in the administration and enforcement of this chapter.

Amended by Chapter 34, 2023 General Session

4-46-402 Training -- Coordination with conservation districts.
(1) The division shall provide training to the conservation commission concerning:
(a) funding state conservation efforts; and
(b) coordinating state conservation efforts.
(2) The division shall work with the conservation commission in coordinating with a conservation district.

Enacted by Chapter 68, 2022 General Session

4-46-403 Conservation rules.
The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
(1) establish requirements for the training described in Section 4-46-402; and
(2) establish the procedures the division shall follow in coordinating state conservation efforts.

Enacted by Chapter 68, 2022 General Session