

**4-31-115 Contagious or infectious disease -- Duties of department.**

- (1)
  - (a) The department shall investigate and may quarantine any 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 all 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) Investigations 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 such animals, after written notice from the department, fails to take the action ordered, the commissioner is authorized to seize and hold the animals and take action necessary to prevent the spread of disease, including immunization, testing, dipping, or spraying.
  - (b) An animal seized for testing or treatment under this section shall be sold by the commissioner at public sale to reimburse the department for all 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) No seized animal shall be sold until the owner or person in possession is served with a notice specifying the itemized costs incurred by the department and 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, in the manner prescribed for service by publication in Rule 4(d)(4), Utah Rules of Civil Procedure.
- (3) 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; otherwise, the excess shall remain in the General Fund.

Renumbered and Amended by Chapter 331, 2012 General Session