

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 of them -- 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 30, 2016 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 in adjoining states, the commissioner shall seek 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.

Renumbered and Amended by Chapter 331, 2012 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, or deemed by the commissioner capable of, communicating 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.

Renumbered and Amended by Chapter 331, 2012 General Session

4-31-107 Appraisal of fair market value before destruction.

- (1) Before any livestock or property is condemned and destroyed under Section 4-31-106, an appraisal of the fair market value of the livestock or other property shall be forwarded to the commissioner by a panel of three qualified appraisers appointed as follows:
 - (a) one by the commissioner;
 - (b) one by the owner of the livestock or other property subject to condemnation; and
 - (c) one by the appraisers specified in Subsections (1)(a) and (b).
- (2) After review, the commissioner shall forward the appraisal 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 allowed.
- (3) Any costs incurred in the appraisal shall be paid by the state.

Renumbered and Amended by Chapter 331, 2012 General Session

4-31-108 Slaughter for post-mortem examination.

The commissioner may order the slaughter and post-mortem examination of a diseased domestic animal if the exact nature of the animal's disease is not readily ascertained through other means.

Renumbered and Amended by Chapter 331, 2012 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 shall be fined \$1,000 per violation.
- (3) An owner of a bull that has not been tested for trichomoniasis and that has been exposed to female cattle shall be fined \$1,000 per violation regardless of the time of year.

Enacted by Chapter 414, 2015 General Session

4-31-110 Dairy cattle subject to inspection for disease.

The department may inspect a dairy animal in the state for tuberculosis or other infectious or contagious disease at a reasonable time and place.

Renumbered and Amended by Chapter 331, 2012 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 an infected animal without disclosing that the animal is diseased or has been exposed to disease.
- (2) 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.

Renumbered and Amended by Chapter 331, 2012 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) Failure of a veterinarian licensed in this state to report a diagnosed case of vesicular disease to the department constitutes ground for the revocation of such veterinarian's license.
- (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 slaughtered on account of the disease.

Renumbered and Amended by Chapter 331, 2012 General Session

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

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 it.
- (3) The department shall pay all costs and fees incurred by any law enforcement authority in assisting the department.

Renumbered and Amended by Chapter 331, 2012 General Session

4-31-117 State chemist -- Assistance in diagnosis of disease.

The state chemist, upon submission by the commissioner, shall examine and analyze all tissue, grass, water, or other substances necessary in the proper diagnosis of disease or losses among livestock.

Renumbered and Amended by Chapter 331, 2012 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