

1 **ADMINISTERING SUBSTANCES TO**
2 **WILDLIFE**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Margaret Dayton**

6 House Sponsor: Roger E. Barrus

8 **LONG TITLE**

9 **Committee Note:**

10 The Natural Resources, Agriculture, and Environment Interim Committee
11 recommended this bill.

12 **General Description:**

13 This bill enacts a provision relating to wildlife.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms; and
17 ▶ prohibits a person from administering a substance to wildlife, except in certain
18 circumstances.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **23-13-19**, Utah Code Annotated 1953

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



28 Section 1. Section **23-13-19** is enacted to read:

29 **23-13-19. Administering substances to protected wildlife prohibited -- Exceptions.**

30 (1) For purposes of this section:

31 (a) "Administer" means the application of a substance by any method, including:

32 (i) injection;

33 (ii) inhalation;

34 (iii) ingestion; or

35 (iv) absorption.

36 (b) "Agricultural producer" means a person who produces an agricultural product.

37 (c) "Agricultural product" is as defined in Section 4-1-8.

38 (d) "Substance" means a chemical or organic substance that:

39 (i) pacifies;

40 (ii) sedates;

41 (iii) immobilizes;

42 (iv) harms;

43 (v) kills;

44 (vi) controls fertility; or

45 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

46 (2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a
 47 person may not administer or attempt to administer a substance to protected wildlife.

48 (3) (a) A division employee or a person with written permission from the division may
 49 administer a substance to protected wildlife if that employee or person administers the
 50 substance to promote wildlife management and conservation.

51 (b) One or more of the following may administer a substance to protected wildlife that
 52 the person is authorized by this title, the Wildlife Board, or the division to possess:

53 (i) a licensed veterinarian;

54 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or

55 (iii) a person who is following written instructions for veterinary care from a licensed
 56 veterinarian.

57 (4) ~~§~~ → [An agricultural producer] A person ← ~~§~~ is not liable under this section for
 57a administering a

58 substance, notwithstanding the substance has an effect described in Subsection (1)(d) on

59 protected wildlife, if ~~§~~ **[the]** :
59a (a) an ~~§~~ agricultural producer administers the substance:
60 ~~§~~ **[a]** (i) ~~§~~ for the sole purpose of producing an agricultural product and not for the
60a purpose of
61 affecting protected wildlife in a manner described in Subsection (1)(d);
62 ~~§~~ **[b]** (ii) ~~§~~ consistent with generally accepted agricultural practices; and
63 ~~§~~ **[c]** (iii) ~~§~~ in compliance with applicable local, state, and federal law ~~§~~ **[:] ; or**
63a (b) the protected wildlife presents an immediate threat of death or serious bodily injury
63b to a person. ~~§~~

Legislative Review Note
as of 8-20-08 4:39 PM

Office of Legislative Research and General Counsel