

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

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8   **LONG TITLE**

9   **General Description:**

10           This bill enacts a provision relating to wildlife.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms; and
- 14           ▶ prohibits a person from administering a substance to wildlife, except in certain
- 15   circumstances.

16   **Monies Appropriated in this Bill:**

17           None

18   **Other Special Clauses:**

19           None

20   **Utah Code Sections Affected:**

21   ENACTS:

22           **23-13-19**, Utah Code Annotated 1953

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

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

26           **23-13-19. Administering substances to protected wildlife prohibited --**

27   **Exceptions.**

28           (1) For purposes of this section:

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

- 30 (i) injection;
- 31 (ii) inhalation;
- 32 (iii) ingestion; or
- 33 (iv) absorption.

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

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

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

- 37 (i) pacifies;
- 38 (ii) sedates;
- 39 (iii) immobilizes;
- 40 (iv) harms;
- 41 (v) kills;
- 42 (vi) controls fertility; or
- 43 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through
- 44 (vi).

45 (2) Except as authorized by Subsection (3) or a rule made by the Wildlife Board, a

46 person may not administer or attempt to administer a substance to protected wildlife.

47 (3) (a) A division employee or a person with written permission from the division may

48 administer a substance to protected wildlife if that employee or person administers the

49 substance to promote wildlife management and conservation.

50 (b) One or more of the following may administer a substance to protected wildlife that

51 the person is authorized by this title, the Wildlife Board, or the division to possess:

- 52 (i) a licensed veterinarian;
- 53 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
- 54 (iii) a person who is following written instructions for veterinary care from a licensed
- 55 veterinarian.

56 (4) A person is not liable under this section for administering a substance,

57 notwithstanding the substance has an effect described in Subsection (1)(d) on protected

58 wildlife, if:

59 (a) an agricultural producer administers the substance:

60 (i) for the sole purpose of producing an agricultural product and not for the purpose of  
61 affecting protected wildlife in a manner described in Subsection (1)(d);

62 (ii) consistent with generally accepted agricultural practices; and

63 (iii) in compliance with applicable local, state, and federal law; or

64 (b) the protected wildlife presents an immediate threat of death or serious bodily injury  
65 to a person.