

HB0261S01 compared with HB0261

~~{deleted text}~~ shows text that was in HB0261 but was deleted in HB0261S01.

inserted text shows text that was not in HB0261 but was inserted into HB0261S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ken Ivory proposes the following substitute bill:

HORSE TRIPPING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{amends the criminal code to prohibit}~~deals with horse tripping.

Highlighted Provisions:

This bill:

▶ ~~{amends definitions}~~;

→ ~~defines the term "horse tripping" as 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 in preparation for entertainment, sport, or contest;~~

→ ~~prohibits horse tripping;~~

→ ~~prohibits a person from organizing an event in which, or providing a facility or access and use of real property where, horse tripping takes place;~~

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- prohibits a person from providing an equine to another, if the person knows the equine will be used for horse tripping;
- states that horse tripping does not constitute an accepted animal husbandry practice, customary farming practice, or a commonly accepted practice occurring in conjunction with a sanctioned rodeo, animal race, or pulling contest; defines terms:
 - ▶ modifies the duties of the Agricultural Advisory Board;
 - ▶ requires a venue that holds a horse event to report certain information to the Department of Agriculture and Food;
 - ▶ authorizes the Department of Agriculture and Food, in consultation with Agricultural Advisory Board, to make rules;
 - ▶ requires a report to the Natural Resources, Agriculture, and Environment Interim Committee; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{76-9-301}~~ 4-2-7, as last amended by Laws of Utah ~~{2008, Chapter 292}~~
~~†~~ 2013, Chapter 461

ENACTS:

4-2-501, Utah Code Annotated 1953

4-2-502, Utah Code Annotated 1953

4-2-503, Utah Code Annotated 1953

4-2-504, Utah Code Annotated 1953

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

Section 1. Section 4-2-7 is amended to read:

**4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility --
Terms of office -- Compensation.**

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(1) There is created the Agricultural Advisory Board composed of 16 members, with each member representing one of the following:

- (a) Utah Farm Bureau Federation;
- (b) Utah Farmers Union;
- (c) Utah Cattlemen's Association;
- (d) Utah Wool Growers' Association;
- (e) Utah Dairymen's Association;
- (f) Utah Pork Producer's Association;
- (g) egg and poultry producers;
- (h) Utah Veterinary Medical Association;
- (i) Livestock Auction Marketing Association;
- (j) Utah Association of Conservation Districts;
- (k) the Utah horse industry;
- (l) the food processing industry;
- (m) the fruit and vegetable industry;
- (n) the turkey industry;
- (o) manufacturers of food supplements; and
- (p) a consumer affairs group.

(2) (a) The Agricultural Advisory Board shall advise the commissioner regarding:

~~[(a)]~~ (i) the planning, implementation, and administration of the department's programs; and

~~[(b)]~~ (ii) the establishment of standards governing the care of livestock and poultry, including consideration of:

~~[(i)]~~ (A) food safety;

~~[(ii)]~~ (B) local availability and affordability of food; and

~~[(iii)]~~ (C) acceptable practices for livestock and farm management.

(b) The Agricultural Advisory Board shall fulfill the duties described in Title 4, Chapter 2, Part 5, Horse Tripping Awareness.

(3) (a) Except as required by Subsection (3)(c), members are appointed by the commissioner to four-year terms of office.

(b) The commissioner shall appoint representatives of the organizations cited in

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Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees submitted by each organization.

(c) 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 board members are staggered so that approximately half of the board is appointed every two years.

(d) Members may be removed at the discretion of the commissioner upon the request of the group they represent.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) The board shall elect one member to serve as chair of the Agricultural Advisory Board for a term of one year.

(5) (a) The board shall meet four times annually, but may meet more often at the discretion of the chair.

(b) Attendance of nine members at a duly called meeting constitutes a quorum for the transaction of official business.

(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.

Section ~~{1}~~2. Section ~~{76-9-301 is amended to read:~~

~~76-9-301. Cruelty to animals.~~

~~(1) }4-2-501 is enacted to read:~~

Part 5. Horse Tripping Awareness

4-2-501. Title.

This part is known as "Horse Tripping Awareness."

Section 3. Section 4-2-502 is enacted to read:

4-2-502. Definitions.

As used in this {section:

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- ~~(a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:~~
- ~~(A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or~~
- ~~(B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.~~
- ~~(ii) "Abandon" does not include returning wildlife to its natural habitat.~~
- ~~(b) (i) "Animal" means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature:~~
- ~~(ii) "Animal" does not include:~~
- ~~(A) a live, nonhuman vertebrate creature, if:~~
- ~~(I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and~~
- ~~(II) the creature is:~~
- ~~(Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;~~
- ~~(Bb) kept, owned, or used; part:~~
- ~~(1) "Board" means the Agricultural Advisory Board created in Section 4-2-7.~~
- ~~(2) "Horse event" means an event in which horses are roped or tripped for the purpose of ~~training hunting dogs or raptors; or~~~~
- ~~(Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. 2133;~~
- ~~(B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;~~
- ~~(C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices, subject to Subsection (14); or~~
- ~~(D) wildlife, as defined in Section 23-13-2, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.~~
- ~~(c) "Companion animal" means an animal that is a domestic dog or a domestic cat.~~

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~~(d) "Custody" means ownership, possession, or control over an animal.~~

~~(e) 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 ~~{ in preparation }~~ for entertainment, sport, or contest.

~~{{(e)} (f) "Legal privilege" means an act that:~~

~~(i) is authorized by state law, including Division of Wildlife Resources rules; and~~

~~(ii) is not in violation of a local ordinance.~~

~~[(f)] (g) "Livestock" means:~~

~~(i) domesticated:~~

~~(A) cattle;~~

~~(B) sheep;~~

~~(C) goats;~~

~~(D) turkeys;~~

~~(E) swine;~~

~~(F) equines;~~

~~(G) camelidae;~~

~~(H) ratites; or~~

~~(I) bison;~~

~~(ii) domesticated elk, as defined in Section 4-39-102; or~~

~~(iii) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.~~

~~[(g)] (h) "Necessary food, water, care, or shelter" means the following, taking into account the species, age, and physical condition of the animal:~~

~~(i) appropriate and essential food and water;~~

~~(ii) adequate protection, including appropriate shelter, against extreme weather conditions; and~~

~~(iii) other essential care.~~

~~[(h)] (i) "Torture" means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.~~

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~~—— (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:~~

~~—— (a) fails to provide necessary food, water, care, or shelter for an animal in the person's custody;~~

~~—— (b) abandons an animal in the person's custody;~~

~~—— (c) injures an animal;~~

~~—— (d) causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain; [or]~~

~~—— (e) causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain[.];~~

~~—— (f) engages in horse tripping;~~

~~—— (g) organizes an event in which, or provides a facility or access and use of real property where, horse tripping takes place if the person also knows, or through a reasonable exercise of diligence should know, that an individual intends to engage in horse tripping during the event, in the facility, or on the real property; or~~

~~—— (h) provides an equine to another with the knowledge that the equine will be used for horse tripping;~~

~~—— (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:~~

~~—— (a) a class B misdemeanor if committed intentionally or knowingly; and~~

~~—— (b) a class C misdemeanor if committed recklessly or with criminal negligence.~~

~~—— (4) A person is guilty of aggravated cruelty to an animal if the person:~~

~~—— (a) tortures an animal;~~

~~—— (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or~~

~~—— (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.~~

~~—— (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:~~

~~—— (a) a class A misdemeanor if committed intentionally or knowingly;~~

~~—— (b) a class B misdemeanor if committed recklessly; and~~

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- ~~—— (c) a class C misdemeanor if committed with criminal negligence.~~
- ~~—— (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.~~
- ~~—— (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:~~
 - ~~—— (a) by a licensed veterinarian using accepted veterinary practice;~~
 - ~~—— (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;~~
 - ~~—— (c) permitted under Section 18-1-3;~~
 - ~~—— (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or~~
 - ~~—— (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.~~
- ~~—— (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:~~
 - ~~—— (a) the judgment of a veterinarian of the animal's nonrecoverable condition;~~
 - ~~—— (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;~~
 - ~~—— (c) the consent from the owner of the animal to the destruction of the animal; or~~
 - ~~—— (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.~~
- ~~—— (9) This section does not affect or prohibit:~~
 - ~~—— (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;~~
 - ~~—— (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or~~
 - ~~—— (c) the lawful hunting of, fishing for, or trapping of, wildlife.~~
- ~~—— (10) County and municipal governments may not prohibit the use of an electronic~~

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~~locating or training collar.~~

~~—— (11) Upon conviction under this section, the court may in its discretion, in addition to other penalties:~~

~~—— (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;~~

~~—— (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;~~

~~—— (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and~~

~~—— (d) order the animal to be placed for the purpose of adoption or care in the custody of a county and municipal animal control agency, an animal welfare agency registered with the state, sold at public auction, or humanely destroyed.~~

~~—— (12) This section does not prohibit the use of animals in lawful training.~~

~~—— (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.~~

~~—— (14) Horse tripping is not an~~ (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.

~~‡~~

Legislative Review Note

~~—— as of 8-5-14 4:15 PM~~

~~—— Office of Legislative Research and General Counsel;~~ Section 4. Section 4-2-503 is enacted to read:

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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 of the date, time, and name of the horse tripping event; and
(b) no later than 30 days after the day on which the horse event is held, notify the board 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, the name and contact information of the veterinarian and the outcome of the veterinarian's examination of a horse.

(2) (a) The department shall compile all reports received pursuant to Subsection (1) and provide the information to the board.

(b) The board shall, at a meeting described in Subsection 4-2-7(5)(a):

(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, shall make rules in accordance with Title 63, Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce this part.

Section 5. Section 4-2-504 is enacted to read:

4-2-504. Horse tripping education -- Reporting requirements.

(1) The department, in conjunction with the board, shall:

(a) send a letter, annually, to venues that host horse events:

(i) outlining the reporting requirements of Section 4-2-503; and

(ii) providing educational information on the negative effects of horse tripping; and

(b) promote, as funding allows, policies regarding the safety and welfare of horses involved in horse events, such as horse roping and horse tripping.

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(2) The department and the board shall, by November 30, 2015, report to the Natural Resources, Agriculture, and Environment Interim Committee about:

(a) reported incidents of horse tripping;

(b) any recommendations made by the board pursuant to Subsection 4-2-503(2)(b); and

(c) the progress made in educating the public under Subsection (1).