

Representative Stephen G. Handy proposes the following substitute bill:

AGRICULTURE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the regulation of agriculture.

Highlighted Provisions:

This bill:

- ▶ addresses the regulation of bedding, upholstered furniture, quilted clothing, or filling material;
- ▶ removes regulation of marks apart from brands;
- ▶ modifies regulation of brands;
- ▶ updates language related to websites promoting the sale of livestock;
- ▶ modifies language related to travel permits;
- ▶ addresses the powers of brand inspectors;
- ▶ modifies provisions related to contagious or infectious disease, epidemic, or poisoning including addressing stopping of vehicles and entering premises;
- ▶ addresses quarantines, including assessment of costs;
- ▶ modifies provisions related to aquaculture or fee fishing facilities, including addressing inspections and stocking; and
- ▶ makes technical changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 [4-10-102](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

32 [4-10-104](#), as last amended by Laws of Utah 2020, Chapter 316

33 [4-10-106](#), as last amended by Laws of Utah 2020, Chapters 316 and 354

34 [4-10-107](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

35 [4-10-112](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

36 [4-24-102](#), as last amended by Laws of Utah 2018, Chapter 355

37 [4-24-201](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

38 [4-24-202](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

39 [4-24-203](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

40 [4-24-204](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

41 [4-24-205](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

42 [4-24-303](#), as last amended by Laws of Utah 2018, Chapter 355

43 [4-24-305](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

44 [4-24-306](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

45 [4-24-401](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

46 [4-24-402](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

47 [4-24-403](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

48 [4-24-405](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

49 [4-24-502](#), as last amended by Laws of Utah 2018, Chapter 355

50 [4-24-504](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

51 [4-31-115](#), as last amended by Laws of Utah 2017, Chapter 345

52 [4-31-116](#), as last amended by Laws of Utah 2017, Chapter 345

53 [4-37-104](#), as last amended by Laws of Utah 2017, Chapter 412

54 [4-37-204](#), as last amended by Laws of Utah 2017, Chapter 412

55 [4-37-502](#), as last amended by Laws of Utah 2010, Chapter 378

56 [4-37-503](#), as last amended by Laws of Utah 2010, Chapters 286 and 378

57 4-39-108, as last amended by Laws of Utah 2017, Chapter 345

58 ENACTS:

59 4-10-114, Utah Code Annotated 1953



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

62 Section 1. Section 4-10-102 is amended to read:

63 **4-10-102. Definitions.**

64 As used in this chapter:

65 (1) "Article" means [a] bedding, upholstered furniture, quilted clothing, or filling
66 material.

67 (2) "Bedding" means a:

68 (a) quilted, packing, mattress, or hammock pad; or

69 (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion
70 made with a filling material that can be used for sleeping or reclining.

71 (3) "Consumer" means a person who purchases, rents, or leases an article for the
72 article's intended, everyday use.

73 (4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other
74 material, or a combination of materials, whether loose or in bags, bales, batting, pads, or other
75 prefabricated form that is, or can be, used in bedding, upholstered furniture, or quilted clothing.

76 (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon
77 the immediate container of a bedding, upholstered furniture, quilted clothing, or filling
78 material.

79 (6) (a) "Manufacture" means to make, process, or prepare from new or secondhand
80 material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or filling
81 material for sale.

82 (b) "Manufacture" does not include making, processing, or preparing an article
83 described in Subsection (6)(a) if:

84 (i) a person sells three or fewer of the articles per year; and

85 (ii) the articles are sold by persons who are not primarily engaged in the making,
86 processing, or preparation of the articles.

87 (7) (a) "New material" means material that has not previously been used in the

88 manufacture of another article used for any purpose.

89 (b) "New material" includes:

90 (i) by-products from a textile mill using only new raw material synthesized from a
91 product that has been melted, liquified, and re-extruded[-]; and

92 (ii) down and feather that has been sterilized in accordance with the department's rules
93 made under Sections 4-10-103 and 4-10-113.

94 (8) "Owner's own material" means an article owned or in the possession of a person for
95 the person's own or a tenant's use that is sent to another person for manufacture or repair.

96 (9) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for
97 aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in whole
98 or in part from filling material and sold or offered for sale.

99 (10) "Reclaimed" or "reclaimed material" means material that would have otherwise
100 been disposed of as waste or used for energy recovery, but instead is collected and used as a
101 material input, in lieu of new primary material, as defined by rule by the department in
102 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

103 (11) "Recycled" or "recycled material" means material that has been reprocessed from
104 reclaimed material by means of an accepted manufacturing process and made into a final
105 product or into a component for incorporation into a product as defined by rule by the
106 department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

107 [~~10~~] (12) "Repair" means to restore, recover, alter, or renew bedding or upholstered
108 furniture for a consideration.

109 [~~11~~] (13) "Retailer" means a person who sells bedding, upholstered furniture, quilted
110 clothing, or filling material to a consumer for use primarily for personal, family, household, or
111 business purposes.

112 [~~12~~] (14) (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,
113 consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling
114 material.

115 (b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's
116 sale of an item described in Subsection [~~12~~] (14)(a).

117 [~~13~~] (15) "Secondhand" means an article or filling material, or portion of an article or
118 filling material, that has previously been used.

119 ~~[(14)]~~ (16) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as
120 required by Section 4-10-113.

121 ~~[(15)]~~ (17) "Tag" means a card, flap, or strip attached to an article for the purpose of
122 displaying information required by this chapter or under rule made pursuant to it.

123 ~~[(16)]~~ (18) (a) "Used" means an article that has been sold to a consumer and has left
124 the store.

125 (b) "Used" does not include an article returned to the store:

126 (i) with ~~[its]~~ the article's original tags; and

127 (ii) in ~~[its]~~ the article's original packaging.

128 ~~[(17)]~~ (19) "Upholstered furniture" means portable or fixed furniture, except fixed
129 seats in motor vehicles, boats, or aircraft, that is made in whole or in part with filling material,
130 exclusive of trim used for aesthetic effect.

131 ~~[(18)]~~ (20) "Wholesaler" means a person who offers an article for resale to a retailer or
132 institution rather than a final consumer.

133 Section 2. Section 4-10-104 is amended to read:

134 **4-10-104. Manufacture, repair, or wholesale sale of bedding, upholstered**
135 **furniture, quilted clothing, or filling material -- Permit required.**

136 (1) It is unlawful for ~~[any]~~ a person to engage in the manufacture, repair, or wholesale
137 sale of ~~[any]~~ bedding, upholstered furniture, quilted clothing, or filling material without a
138 permit issued by the department.

139 (2) Notwithstanding Subsection (1), a person may engage in the repair of quilted
140 clothing without a permit issued by the department if that person is not otherwise required to
141 obtain a permit issued by the department under this chapter or by department rule.

142 Section 3. Section 4-10-106 is amended to read:

143 **4-10-106. Unlawful acts specified.**

144 It is unlawful for ~~[any]~~ a person to:

145 (1) sell bedding, upholstered furniture, quilted clothing, or filling material as new
146 unless it is made from new material and properly tagged;

147 (2) sell bedding, upholstered furniture, quilted clothing or filling material made from
148 secondhand material ~~[which]~~ that is not properly tagged;

149 (3) label or sell a used or secondhand article as if it were a new article;

150 (4) use burlap or other material [~~which~~] that has been used for packing or baling, or to
151 use any unsanitary, filthy, or vermin or insect infested filling material in the manufacture or
152 repair of [~~any~~] an article;

153 (5) sell bedding, upholstered furniture, quilted clothing or filling material [~~which~~] that
154 is not properly tagged regardless of point of origin;

155 (6) use [~~any~~] a false or misleading statement, term, or designation on [~~any~~] a tag;

156 (7) use [~~any~~] a false or misleading label;

157 (8) sell new bedding, upholstered furniture, or quilted clothing with filling material
158 made of down, feather, wool, or hair that has not been properly sterilized; or

159 (9) engage in the manufacture, repair, sterilization, or wholesale sale of bedding,
160 upholstered furniture, quilted clothing, or filling material without a permit issued by the
161 department as required by this chapter, unless otherwise exempt under Section 4-10-104 with
162 respect to the repair of quilted clothing.

163 Section 4. Section 4-10-107 is amended to read:

164 **4-10-107. Tagging requirements for bedding, upholstered furniture, and filling**
165 **material.**

166 (1) (a) [~~All bedding~~] The manufacturer, retailer, or repairer shall securely tag bedding,
167 upholstered furniture, and filling material [~~shall be securely tagged by the manufacturer,~~
168 ~~retailer, or repairer~~].

169 (b) [~~Tags~~] A tag shall be at least six square inches and plainly and indelibly labeled
170 with:

171 (i) information as the department requires by rule;

172 (ii) according to the filling material type, the words "All New Material," "Secondhand
173 Material," or "Owner's Material," stamped or printed on the label; and

174 (iii) the word "USED" stamped or printed on the label of a used mattress.

175 (c) [~~Each~~] A label shall be placed on the article in such a position as to facilitate ease
176 of examination.

177 (2) (a) If more than one type of filling material is used in an item, the percentage, by
178 weight, of each component part shall be listed in order of predominance.

179 (b) If a descriptive [~~statements are~~] statement is made about the frame, cover, or style
180 of the article, [~~such statements~~] the statement shall, in fact, be true.

181 (c) ~~[All quilted]~~ Quilted clothing shall be tagged and labeled in conformity with the
182 Federal Textile Fiber Products Identification Act, 15 U.S.C. Secs. 70 through ~~[70k]~~ 70i.

183 (3) ~~[No]~~ A person, except the purchaser, may not remove, deface, or alter a tag
184 attached according to this chapter.

185 (4) A used mattress shall be tagged with the word "USED," in accordance with rules
186 established by the department.

187 (5) The retailer of a used mattress shall display the mattress so that the "USED" tag is
188 clearly visible to a customer.

189 (6) (a) For items containing down or feather, a manufacturer, retailer, or repairer may
190 use the terms "reclaimed," "reclaimed material," "recycled," or "recycled material" on a tag
191 attached to the item if the item contains reclaimed or recycled material as defined in Section
192 4-10-102.

193 (b) If a term allowed under this Subsection (6) is included on a tag, a manufacturer,
194 retailer, or repairer shall:

195 (i) indicate whether an item is "new" or "used" as defined in this chapter; and

196 (ii) comply with Subsection (2).

197 Section 5. Section **4-10-112** is amended to read:

198 **4-10-112. Stop sale, use, or removal order authorized -- Conditions for release**
199 **specified -- Condemnation or seizure -- Procedure specified -- Award of costs authorized.**

200 (1) (a) The department may issue a "stop sale, use, or removal order" to ~~[any]~~ a
201 manufacturer, repairer, wholesaler, or retailer of any designated article or articles ~~[which it]~~
202 that the department finds or has reason to believe violates this chapter.

203 (b) The order shall be in writing and no article subject to ~~[it]~~ the order shall be
204 removed, offered, or exposed for sale, except upon subsequent written release by the
205 department.

206 (c) Before a release is issued, the department may require the manufacturer, repairer,
207 wholesaler, or retailer of the "stopped" article to pay the expense incurred by the department in
208 connection with the withdrawal of the article from the market or for any other expense incurred
209 in enforcing this chapter and the department's rules made under this chapter.

210 (2) (a) The department ~~[is authorized]~~ may seek in a court of competent jurisdiction ~~[to~~
211 ~~seek]~~ an order of seizure or condemnation of [any] an article [which] that violates this chapter

212 or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to
213 prevent violation of this chapter.

214 (b) ~~[No bond shall]~~ A bond may not be required of the department in an injunctive
215 proceeding brought under this section.

216 (3) (a) Except as provided in Subsection (3)(b), if condemnation is ordered, the article
217 shall be disposed of as the court directs.

218 (b) The court may not order condemnation without giving the claimant of the article an
219 opportunity to apply to the court for permission to bring the article into conformance, or for
220 permission to remove [it] the article from the state.

221 (4) If the court orders condemnation, court costs, fees, storage, and other costs shall be
222 awarded against the claimant of the article.

223 Section 6. Section ~~4-10-114~~ is enacted to read:

224 **4-10-114. Use of reclaimed or recycled material.**

225 (1) A person may advertise an item filled with down, down and feather, or feather as
226 “new” if it is manufactured using 100% reclaimed or recycled material, provided that the tag
227 clearly discloses that the item is manufactured using 100% reclaimed or recycled material.

228 (2) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative
229 Rulemaking Act, make rules governing the use of reclaimed or recycled material under this
230 chapter.

231 Section 7. Section ~~4-24-102~~ is amended to read:

232 **4-24-102. Definitions.**

233 As used in this chapter:

234 (1) "Brand" means ~~[any]~~ an identifiable mark, including a tattoo or cutting and shaping
235 of the ears or brisket area, applied to livestock that is intended to show ownership and the
236 mark's location.

237 (2) "Carcass" means any part of the body of an animal, including entrails and edible
238 meats.

239 (3) "Domesticated elk" means the same as that term is defined in Section ~~4-39-102~~.

240 (4) "Hide" means any skins or wool removed from livestock.

241 (5) "Livestock" means cattle, calves, horses, mules, sheep, goats, or hogs.

242 (6) (a) "Livestock market" means a public market place consisting of pens or other

243 enclosures where cattle, calves, horses, or mules are received on consignment and kept for
 244 subsequent sale, either through public auction or private sale.

245 (b) "Livestock market" does not mean:

246 (i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock
 247 breeder, or feeder who is going out of business; or

248 (ii) a place where an association of livestock breeders under the association's own
 249 management;

250 (A) offers registered livestock or breeding sires for sale[;];

251 (B) assumes [aH] the responsibility for the sale[;];

252 (C) guarantees title to the livestock or sires sold[;]; and

253 (D) arranges with the department for brand inspection of [aH] the animals sold.

254 [~~(7) "Mark" means any cutting and shaping of the ears or brisket area of livestock that~~
 255 ~~is intended to show ownership.]~~

256 [~~(8) (7) "Open range" means land upon which cattle, sheep, or other domestic animals~~
 257 ~~are grazed or permitted to roam by custom, license, lease, or permit.~~

258 [~~(9) (8) "Slaughterhouse" means [any] a building, plant, or establishment where~~
 259 ~~animals are harvested, dressed, or processed and [their] the animals' meat or meat products~~
 260 ~~produced for human consumption.~~

261 Section 8. Section **4-24-201** is amended to read:

262 **Part 2. Brand**

263 **4-24-201. Central Brand Registry -- Division of state into brand districts --**
 264 **Identical or confusingly similar brands -- Publication of registered brands.**

265 (1) The department shall maintain a central Brand [~~and Mark~~] Registry [~~which shall~~
 266 ~~list] that lists each brand [~~or mark~~] recorded in this state. For each brand [~~or mark~~] registered
 267 the list shall specify:~~

268 (a) the name and address of the registrant;

269 (b) a facsimile or diagram of the brand recorded [~~or a diagram showing the kind of~~
 270 ~~mark recorded];~~

271 (c) the location of the brand [~~or mark~~] upon the animal; and

272 (d) the date the brand [~~or mark~~] is filed in the [~~registry~~] central Brand Registry.

273 (2) The commissioner may divide the state into districts for the purpose of recording

274 ~~[marks] brands~~, but ~~[no mark] a brand~~ that is identical or confusingly similar to a ~~[mark] brand~~
275 previously recorded in a district ~~[shall] may not~~ be recorded.

276 (3) (a) ~~[No] A~~ brand that is identical or confusingly similar to a brand previously filed
277 in the central ~~[brand and mark registry shall] Brand Registry may not~~ be recorded.

278 (b) If two or more brands ~~[or marks]~~ appear identical or confusingly similar:

279 (i) the brand ~~[or mark]~~ first recorded shall prevail over a later conflicting brand ~~[or~~
280 ~~mark]~~; and

281 (ii) the later brand ~~[or mark]~~ shall be cancelled and ~~[all] the~~ recording fees refunded to
282 the owner.

283 (4) (a) The commissioner shall publish from time to time a list of all brands ~~[and~~
284 ~~marks]~~ recorded in the central Brand ~~[and Mark]~~ Registry and may issue supplements to ~~[such]~~
285 ~~that~~ publication containing additional brands ~~[and marks]~~ or changes in ownership of brands
286 ~~[and marks]~~ recorded after the last publication.

287 (b) The ~~[brand book] publication published under Subsection (4)(a)~~ shall contain a
288 facsimile or diagram of all brands ~~[and marks]~~ recorded together with the owner's name and
289 address.

290 (c) The commissioner shall, upon request, send one copy of the ~~[brand book]~~
291 publication published under Subsection (4)(a) and each supplement to each brand inspector,
292 county clerk, county sheriff, livestock organization, ~~[and] or~~ any other person ~~[deemed]~~
293 considered appropriate.

294 (d) ~~[Brand books and supplements shall be]~~ The department shall make publications
295 under this Subsection (4) available to the public at the cost of printing and distribution per
296 ~~[book or supplement] publication~~.

297 Section 9. Section **4-24-202** is amended to read:

298 **4-24-202. Recordation of brand.**

299 (1) (a) Application for a recorded brand ~~[or mark]~~ shall be made to the department
300 upon forms prescribed and furnished by the department.

301 (b) The application shall contain ~~[such] the~~ information ~~[as] the~~ commissioner
302 prescribes.

303 (c) ~~[No] An~~ application ~~[shall] may not~~ be approved without payment of the
304 appropriate recording fee.

305 (d) Upon receipt of a proper application, payment of the recording fee, and recordation
306 of the brand [~~or mark~~] in the central Brand [~~or Mark~~] Registry of the department, the
307 commissioner shall issue the applicant a certified copy of recording that entitles the applicant
308 to the exclusive use of the brand [~~or mark~~] recorded.

309 (2) (a) [~~Each~~] A recorded brand [~~or mark~~] filed with the central Brand [~~and Mark~~]
310 Registry [~~shall expire~~] expires during the calendar year 1980, and during each fifth year
311 thereafter.

312 (b) (i) The department shall give notice in writing to all persons who are owners of
313 recorded brands [~~and marks~~] within a reasonable time [~~prior to~~] before the date of expiration of
314 recordation.

315 (ii) The notice required by this Subsection (2)(b) may be provided by email or regular
316 mail at the department's discretion.

317 (iii) The holder of a registered brand has an affirmative duty to inform the department
318 of a change to the contact information provided on the initial application for a recorded brand.

319 (c) Brand [~~or mark~~] renewal is [~~effected~~] affected by filing an appropriate application
320 with the department together with payment of the renewal fee.

321 (d) A recorded brand [~~or mark~~], not timely renewed, shall lapse and be removed from
322 the central Brand [~~and Mark~~] Registry.

323 Section 10. Section ~~4-24-203~~ is amended to read:

324 **4-24-203. Fees for recordation, transfer, renewal, and certified copies of brands.**

325 (1) The department, with the approval of the Livestock Brand Board, shall charge and
326 collect fees for the recordation, transfer, and renewal of [~~any~~] a brand [~~or mark~~] in each
327 position, and may charge a fee for a certified copy of the recordation.

328 (2) The fees shall be determined by the department pursuant to Subsection ~~4-2-103~~(2).

329 Section 11. Section ~~4-24-204~~ is amended to read:

330 **4-24-204. Effect of recorded brand -- Transfer -- Reservation of certain brands.**

331 (1) Except as provided in Subsection (2), the owner of a recorded brand [~~or mark~~] has a
332 vested property right in the brand [~~or mark~~] that is transferable by a duly acknowledged
333 instrument, provided that a transferee has no rights in the brand [~~or mark~~] until the instrument
334 of transfer is recorded with the department.

335 (2) Notwithstanding any other provision of this chapter:

336 (a) no person other than a member of the Ute Indian Tribe has any vested property right
337 in the brand "ID" which is reserved exclusively for use by members of the Ute Indian Tribe on
338 the Uintah and Ouray Reservation; and

339 (b) no person other than a member of the Navajo Indian Tribe has any vested right in
340 the brand "- N" (Bar N) which is reserved exclusively for use by members of the Navajo Indian
341 Tribe on the Navajo Indian Reservation as long as it appears on the left shoulder of the animal
342 branded.

343 (3) The left jaw of cattle is reserved exclusively for use by the department to identify
344 diseased cattle.

345 Section 12. Section **4-24-205** is amended to read:

346 **4-24-205. Livestock on open range or outside enclosure to be branded -- Cattle**
347 **upon transfer of ownership to be branded -- Exceptions.**

348 (1) (a) [~~Except as provided in~~] Subject to Subsections (1)(b) and (c), [~~no~~] livestock
349 [~~shall~~] may not forage upon an open range in this state or outside an enclosure unless [~~they~~
350 bear] the livestock bears a brand [~~or mark~~] recorded in accordance with this chapter.

351 (b) Swine, goats, and unweaned calves or colts are not required to bear a brand [~~or~~
352 mark] to forage upon open range or outside an enclosure.

353 (c) Domesticated elk may not forage upon open range or outside an enclosure under
354 any circumstances as provided in Chapter 39, Domesticated Elk Act.

355 (2) (a) Except as provided in Subsection (2)(b), [~~all~~] cattle, upon sale or other transfer
356 of ownership, shall be branded [~~or marked~~] with the recorded brand [~~or mark~~] of the new
357 owner within 30 days after transfer of ownership.

358 (b) [~~No branding or marking~~] Branding, upon change of ownership, is not required
359 within the 30-day period for:

360 (i) unweaned calves;

361 (ii) registered or certified cattle;

362 (iii) youth project calves, if the number transferred is less than five; or

363 (iv) dairy cattle held on farms.

364 Section 13. Section **4-24-303** is amended to read:

365 **4-24-303. Livestock -- Verification of ownership through brand inspection --**
366 **Issuance of certificate of brand inspection -- Brand inspector may demand evidence of**

367 **ownership -- Brand inspection of livestock seized by the federal government prohibited --**
 368 **Exception.**

369 (1) A brand inspector, as an agent of the department, shall verify livestock ownership
 370 by conducting a brand inspection during daylight hours.

371 (2) After conducting the brand inspection, the brand inspector, if satisfied that the
 372 livestock subject to inspection bears registered brands [~~or marks~~] owned by the owner of the
 373 livestock, shall issue a brand inspection certificate to the owner or owner's agent.

374 (3) The brand inspector shall record the number, sex, breed, and brand [~~or mark~~] on
 375 each animal inspected together with the owner's name.

376 (4) If any livestock subject to inspection bears a brand [~~or mark~~] other than that of the
 377 owner, or if no brand [~~or mark~~] appears on the livestock, or if the ownership of the livestock is
 378 disputed, the brand inspector may demand evidence of ownership before issuing a brand
 379 inspection certificate or may decline to issue a brand inspection certificate until the ownership
 380 dispute is resolved.

381 (5) A brand inspector may not issue a brand inspection certificate for [~~any~~] privately
 382 owned livestock seized by the federal government unless the:

383 (a) brand inspector receives consent from the livestock's owner;

384 (b) owner is unknown; or

385 (c) brand inspector receives a copy of a court order authorizing the seizure.

386 (6) Breed papers alone do not constitute proof of ownership, but may be considered as
 387 a factor in determining ownership.

388 Section 14. Section **4-24-305** is amended to read:

389 **4-24-305. Transportation by air or rail -- Brand inspection required --**
 390 **Application for brand inspection -- Time and place of inspection.**

391 (1) Except as provided in Subsection (2), [~~no~~] a person may not offer, [~~or~~] and a
 392 railroad or airline company may not accept, [~~any~~] cattle, calves, horses, domesticated elk, or
 393 mules for transport until [~~they have~~] the animal has been brand inspected.

394 (2) Before cattle, calves, horses, domesticated elk, or mules are transported by rail or
 395 air, the shipper shall:

396 (a) request the department to inspect the brands [~~and marks~~] of the animals being
 397 transported; and

398 (b) specify the time and place where the animals may be inspected.

399 Section 15. Section **4-24-306** is amended to read:

400 **4-24-306. Movement across state line -- Brand inspection required -- Exception --**
401 **Request for brand inspection -- Time and place of inspection.**

402 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,
403 calves, horses, domesticated elk, or mules from any place within this state to a place outside
404 this state until [~~they have~~] the animal has been brand inspected.

405 (2) Subsection (1) does not apply if the animals specified in Subsection (1) customarily
406 forage on an open range which transgresses the Utah state line and that of an adjoining state.

407 (3) The owner or person responsible for driving or transporting the animals shall
408 request the department to inspect the brands [~~and marks~~] of the animals to be moved.

409 (4) The department shall conduct the inspection at the time and place determined by
410 the department.

411 Section 16. Section **4-24-401** is amended to read:

412 **4-24-401. Hides and pelts -- Bill of sale to accompany purchase -- Purchaser to**
413 **maintain records -- Hides and records examination and inspection.**

414 (1) (a) [~~Any~~] A person who buys a hide or pelt shall secure a bill of sale from the
415 seller.

416 (b) The bill of sale shall be executed in duplicate with one copy being retained by the
417 seller and the other by the buyer.

418 (c) The bill of sale shall specify the number of hides or pelts sold and the brand [~~or~~
419 ~~mark~~] borne by each hide or pelt.

420 (2) (a) [~~Each~~] A hide buyer within this state shall maintain a record specifying the
421 name and address of the seller, date of purchase, and the brands or other identification found on
422 the hides and pelts purchased.

423 (b) The hides and records of any hide buyer are subject to examination and inspection
424 by the department at reasonable times and places.

425 Section 17. Section **4-24-402** is amended to read:

426 **4-24-402. Livestock markets -- Records to be maintained -- Retention of records**
427 **-- Schedule of fees and charges to be posted.**

428 (1) [~~Each~~] An owner or operator of a livestock market shall keep a record of:

429 (a) the date [~~each~~] a consignment of livestock is received for sale together with the
430 number of each type of livestock within [~~such~~] the consignment;

431 (b) the name and address of [~~each~~] the buyer;

432 (c) the date of sale and the number and species of livestock purchased by [~~each~~] the
433 buyer; and

434 (d) the description and brand [~~or mark~~] appearing on each animal at the time of sale to
435 the buyer.

436 (2) [~~The~~] An owner or operator of a livestock market shall retain the records mandated
437 by this section [~~shall be retained~~] for a period of two years from the date on which the livestock
438 market sold the livestock.

439 (3) A schedule of [~~all~~] the fees and commission rates charged by the livestock market
440 shall be posted in a conspicuous place on the premises of each market.

441 (4) A statement of the gross sales price, commission, and other fees charged for the
442 sale of [~~each~~] a consignment shall be available for inspection by the department, and a copy
443 furnished the owner or consignor of the livestock.

444 Section 18. Section ~~4-24-403~~ is amended to read:

445 **4-24-403. Websites promoting the sale of livestock.**

446 (1) A website, created and maintained within the state, that markets the sale of
447 livestock shall have the following statement clearly visible on each web page that displays
448 advertised livestock: "Legality of Sales and Purchase, Health Laws. If you sell or purchase
449 livestock on this site, you shall comply with all applicable legal requirements governing the
450 transfer and shipment of livestock, including Title 4, Chapter 24, Utah Livestock Brand and
451 Anti-Theft Act, and Title 4, Chapter 31, Control of Animal Disease. Please contact the Utah
452 Department of Agriculture and Food at [~~801-538-7137~~] 801-982-2200 with any questions.".

453 (2) A person who violates this section [~~shall be~~] is subject to the penalties described in
454 Section ~~4-24-506~~.

455 Section 19. Section ~~4-24-405~~ is amended to read:

456 **4-24-405. Travel permit in lieu of brand inspection certificate -- Fees.**

457 (1) The department may issue a permit upon the payment of a fee determined by the
458 department pursuant to Subsection ~~4-2-103~~(2), in lieu of a certificate of brand inspection, for
459 the transport of [~~any~~] a show horse, show mule, or show cattle transported from [~~any~~] a place

460 within this state to a place outside the state.

461 (2) The words "travel permit" shall be stamped or printed on the permit.

462 (3) A permit:

463 (a) shall accompany ~~each~~ a show animal while the show animal is in transit and shall
464 identify the show animal to which the permit applies by age, sex, color, brand, ~~mark,~~ and
465 scars; and

466 (b) is valid for the calendar year of the date of issuance, which date shall appear on the
467 permit.

468 Section 20. Section **4-24-502** is amended to read:

469 **4-24-502. Unlawful acts specified -- Allegation concerning evidence of ownership**
470 **relative to hides.**

471 (1) It is unlawful for ~~any~~ a person to:

472 (a) permit ~~any~~ cattle, calves, horses, mules, or sheep, except unweaned calves or
473 colts, that are not branded ~~or marked~~ in accordance with this chapter, to forage upon an open
474 range in this state or outside an enclosure;

475 (b) brand ~~or mark any~~ livestock with a brand ~~or mark~~ that is not a matter of record
476 on the central ~~brand and mark registry~~ Brand Registry;

477 (c) obliterate, change, or remove a recorded brand ~~or mark~~;

478 (d) destroy, mutilate, or conceal ~~any~~ a hide with intent to, or for the purpose of,
479 removing evidence of ownership of the hide, or ownership of the animal from which the hide
480 was removed;

481 (e) hold or ship an estray or livestock owned by another without notifying the owner, a
482 brand inspector, or law enforcement; or

483 (f) offer for sale an estray or the livestock owned by another.

484 (2) In ~~any~~ a prosecution for violation of this section:

485 (a) the state does not need to allege the ownership of the hide or the animal or carcass
486 from which the hide was removed; and

487 (b) the complaint or information is sufficient if the complaint or information alleges
488 that ownership is unknown and that the hide is not the property of the defendant.

489 Section 21. Section **4-24-504** is amended to read:

490 **4-24-504. Enforcement -- Brand inspector's powers delineated.**

491 (1) A brand inspector ~~[is empowered with]~~ has the authority of a special function
492 officer for the purpose of enforcing this chapter and ~~[such an]~~ the brand inspector may, if
493 proper, stop ~~[any]~~ a vehicle carrying livestock or livestock carcasses for the purpose of
494 examining brands, ~~[marks,]~~ certificates of brand inspection, and bills of lading or bills of sale
495 relating to the livestock in transit.

496 (2) (a) ~~[Brand inspectors]~~ A brand inspector may enter ~~[any]~~ premises where livestock
497 are kept or maintained for the purpose of examining brands ~~[or marks]~~.

498 (b) If admittance is refused, the department may proceed immediately to obtain an ex
499 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
500 for the purpose of examining brands ~~[or marks]~~ or other evidence of ownership.

501 Section 22. Section **4-31-115** is amended to read:

502 **4-31-115. Contagious or infectious disease, or any epidemic or poisoning -- Duties**
503 **of department.**

504 (1) (a) The department shall investigate and may quarantine ~~[any]~~ a reported case of
505 contagious or infectious disease, or any epidemic or poisoning, affecting a domestic animal or
506 an animal that the department believes may jeopardize the health of animals within the state.

507 (b) The department shall make a prompt and thorough examination of ~~[at]~~ the
508 circumstances surrounding the disease, epidemic, or poisoning and may order quarantine, care,
509 or any necessary remedies.

510 (c) The department may also order immunization or testing and sanitary measures to
511 prevent the spread of disease.

512 (d) An investigation involving fish or wildlife shall be conducted under a cooperative
513 agreement with the Division of Wildlife Resources.

514 (2) (a) A brand inspector has the authority of a special function officer and, in
515 coordination with the state veterinarian, may stop a vehicle carrying livestock or livestock
516 carcasses for the purpose of investigating a reported case of contagious or infectious disease,
517 epidemic, or poisoning.

518 (b) A brand inspector has the authority of a special function officer and, in
519 coordination with the state veterinarian, may enter premises where livestock are kept or
520 maintained for the purpose of investigating a reported case of contagious or infectious disease,
521 epidemic, or poisoning.

522 (c) If admittance is refused, the department may proceed immediately to obtain an ex
523 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises
524 for the purpose of investigating a reported case of contagious or infectious disease, epidemic,
525 or poisoning.

526 [~~2~~] (3) (a) If the owner or person in possession of [~~such~~] an animal with a contagious
527 or infectious disease, epidemic, or poisoning, after written notice from the department, fails to
528 take the action ordered, the commissioner [~~is authorized to~~] may seize and hold the animal and
529 take action necessary to prevent the spread of disease, including immunization, testing,
530 dipping, or spraying.

531 (b) An animal seized for testing or treatment under this section may be sold by the
532 commissioner at public sale to reimburse the department for [~~all~~] the costs incurred in the
533 seizure, testing, treatment, maintenance, and sale of the animal unless the owner, before the
534 sale, tenders payment for the costs incurred by the department.

535 (c) (i) [~~No~~] The commissioner may not sell a seized animal [~~shall be sold~~] until the
536 owner or person in possession of the animal is served with a notice specifying the itemized
537 costs incurred by the department, the time, place, and purpose of sale, and the number of
538 animals to be sold.

539 (ii) The notice shall be served at least three days in advance of sale in the manner:

540 (A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure; or

541 (B) if the owner cannot be found after due diligence, prescribed for service by

542 publication in Rule 4(d)(4), Utah Rules of Civil Procedure.

543 [~~3~~] (4) (a) Any amount realized from the sale of the animal over the total charges
544 shall be paid to the owner of the animal if the owner is known or can by reasonable diligence
545 be found.

546 (b) If the owner is unknown and cannot be found by reasonable diligence, as described
547 in Subsection [~~3~~] (4)(a), the excess shall remain in the General Fund.

548 (c) If the total cost incurred is greater than the amount realized, the owner shall pay the
549 difference.

550 Section 23. Section **4-31-116** is amended to read:

551 **4-31-116. Quarantine -- Authority of individuals to assist in maintenance of**
552 **quarantine -- Charges.**

553 (1) The commissioner may quarantine ~~[any]~~ an infected domestic animal or area within
554 the state to prevent the spread of infectious or contagious disease.

555 (2) A brand inspector has the authority of a special function officer for the purpose of
556 enforcing a quarantine.

557 (3) The state veterinarian may:

558 (a) take any action the department warrants, in the department's sole discretion,
559 necessary to enforce the quarantine; and

560 (b) delegate an action described in Subsection (3)(a) to another department employee,
561 as appropriate, to ensure the quarantine is being enforced.

562 ~~[(2)]~~ (4) A sheriff or other peace officer in the state shall, upon request of the
563 commissioner, assist the department in maintaining a quarantine and arrest a person who
564 violates the quarantine.

565 ~~[(3)]~~ (5) The department shall pay ~~[att]~~ the costs and fees incurred by any law
566 enforcement authority in assisting the department.

567 (6) The department may charge a person who violates a quarantine the costs to the
568 department incurred in enforcing the quarantine of that person's animal and use that money to
569 reimburse law enforcement or the state in expenditures related to the quarantine.

570 Section 24. Section **4-37-104** is amended to read:

571 **4-37-104. Department's responsibilities.**

572 (1) The department is responsible for enforcing laws and rules made by the Wildlife
573 Board governing species of aquatic animals ~~[which]~~ that may be imported into the state or
574 possessed or transported within the state that are applicable to aquaculture or fee fishing
575 facilities ~~[and the promotion of the state's aquaculture industry].~~

576 (2) Subject to the policies and rules of the Fish Health Policy Board, the department
577 shall:

578 (a) act to prevent the outbreak and act to control the spread of disease-causing
579 pathogens among aquatic animals in aquaculture and fee fishing facilities; and

580 (b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to
581 be deposited in, or harvested from aquaculture or fee fishing facilities to wild aquatic animals,
582 other animals, and humans.

583 Section 25. Section **4-37-204** is amended to read:

584 **4-37-204. Sale of aquatic animals from aquaculture facilities.**

585 (1) (a) Except as provided by Subsection ~~[(1)(b)]~~ (1)(c) and subject to Subsection
586 (1)(b), a person holding a certificate of registration for an aquaculture facility may take an
587 aquatic animal as approved on the certificate of registration from the facility at any time and
588 offer the aquatic animal for sale~~[-however,].~~

589 (b) A live aquatic ~~[animals]~~ animal may be sold within Utah only to a person who:

590 (i) has been issued a certificate of registration to possess the aquatic animal; or

591 (ii) is eligible to receive the aquatic animal without a certificate of registration under

592 ~~[Division of Wildlife Resources]~~ Wildlife Board rules.

593 ~~[(b)]~~ (c) A person who owns or operates an aquaculture facility may ~~[stock a live fish~~
594 ~~in a private fish pond or at a short-term fishing event]~~ sell live aquatic animals if the person:

595 (i) obtains a health approval number for the aquaculture facility;

596 ~~[(ii) provides the buyer with a brochure published by the Division of Wildlife~~
597 ~~Resources that summarizes the statutes and rules related to a private fish pond or short-term~~
598 ~~fishing event and the possession of fish;]~~

599 ~~[(iii)]~~ (ii) inspects the pond or holding facility to verify that the pond or facility is in
600 compliance with Subsections 23-15-10(2) and (3)(c); and

601 ~~[(iv)]~~ (iii) stocks the species~~[-strain,]~~ and reproductive capability of ~~[fish]~~ aquatic
602 animals authorized by the Wildlife Board in accordance with Section 23-15-10 for stocking in
603 the area where the pond or holding facility is located.

604 (2) An aquatic animal sold or transferred by the owner or operator of an aquaculture
605 facility shall be accompanied by the seller's receipt that contains the following information:

606 (a) date of transaction;

607 (b) name, address, certificate of registration number, and health approval number~~[-and~~
608 ~~signature of seller];~~

609 (c) number and weight of aquatic animal by:

610 (i) species; and

611 ~~[(ii) strain; and]~~

612 ~~[(iii)]~~ (ii) reproductive capability; and

613 (d) name and address of the receiver.

614 (3) (a) A person holding a certificate of registration for an aquaculture facility shall

615 submit to the department an annual report of each sale of live aquatic animals or each transfer
 616 of live aquatic animals [to:] in Utah. The department shall forward the report to the Division of
 617 Wildlife Resources. The department or Division of Wildlife Resources may request copies of
 618 receipts from an aquaculture facility.

619 ~~[(i) another aquaculture facility; or]~~

620 ~~[(ii) a fee fishing facility.]~~

621 (b) The report shall contain the following information:

622 (i) name, address, and certificate of registration number of the seller or supplier;

623 (ii) number and weight ~~[by species]~~ of aquatic animals by species and reproductive
 624 capacity;

625 (iii) date of sale or transfer; and

626 (iv) name, address, phone number, and certificate of registration number of the
 627 receiver.

628 ~~[(4) (a) A person who owns or operates an aquaculture facility shall submit to the~~
 629 ~~Division of Wildlife Resources an annual report of each sale or transfer of a live fish to a~~
 630 ~~private fish pond or short-term fishing event.]~~

631 ~~[(b) The report shall contain:]~~

632 ~~[(i) the name, address, and health approval number of the person;]~~

633 ~~[(ii) the name, address, and phone number of the private fish pond's owner or~~
 634 ~~short-term fishing event's operator;]~~

635 ~~[(iii) the number and weight of fish by:]~~

636 ~~[(A) species;]~~

637 ~~[(B) strain; and]~~

638 ~~[(C) reproductive capability;]~~

639 ~~[(iv) date of sale or transfer;]~~

640 ~~[(v) the location of the private fish pond's or short-term fishing event's holding facility;~~
 641 ~~and]~~

642 ~~[(vi) verification that the private fish pond or short-term fishing event's holding facility~~
 643 ~~was inspected and is in compliance with Subsections [23-15-10\(2\)](#) and [\(3\)\(c\)](#).]~~

644 (4) Geographic coordinates of the stocking location shall be provided if the receiver is
 645 eligible to stock the aquatic animal without a certificate of registration under Wildlife Board

646 rules.

647 (5) ~~[The reports required by Subsections (3) and (4)]~~ A report required by Subsection
648 (3) shall be submitted before:

649 (a) a certificate of registration is renewed or a subsequent certificate of registration is
650 issued ~~[for an aquaculture facility in the state];~~ or

651 (b) a health approval number is issued ~~[for an out-of-state source].~~

652 Section 26. Section **4-37-502** is amended to read:

653 **4-37-502. Inspections -- Health approval report -- Report for quarantine facility**
654 **-- Qualifications of inspectors -- Notification of department.**

655 (1) ~~[(a) Except as provided by Subsection (1)(b), approval]~~ Approval shall be based
656 upon inspections carried out in accordance with standards and rules of the Fish Health Policy
657 Board made pursuant to Section 4-37-503.

658 ~~[(b) An owner or operator of an aquaculture facility that is under quarantine or whose~~
659 ~~health approval has been canceled or denied prior to July 1, 2007 may seek health approval~~
660 ~~without submitting or complying with a biosecurity plan required by rule by submitting a new~~
661 ~~health inspection report to the department.]~~

662 ~~[(2) (a) The inspections shall be done by an individual who has received certification~~
663 ~~from the American Fisheries Society as a fish health inspector.]~~

664 (2) (a) An inspection shall be conducted under the direction of an individual certified
665 by the American Fisheries Society as an aquatic animal health inspector or fish pathologist. A
666 sample may be collected by a federally accredited veterinarian, a state or federal animal health
667 official, or an American Fisheries Society certified aquatic animal health inspector or fish
668 pathologist.

669 (b) An inspection of an aquaculture facility may not be done by an inspector who is
670 employed by, or has pecuniary interest in, the facility being inspected.

671 (c) The department shall post on its website a current list of:

672 (i) certified fish health inspectors; and

673 (ii) approved laboratories to which a fish health inspector may send the samples
674 collected during the inspections required by this section.

675 (d) (i) If the fish health inspector conducting the inspection is not an employee of the
676 department, the owner or operator of the aquaculture facility shall notify the department of the

677 date and time of the inspection at least five business days before the date on which the
678 inspection will occur.

679 (ii) The department may be present for the inspection.

680 (3) To receive a health approval number, inspection reports and other evidence of the
681 disease status of a source facility shall be submitted to the agency responsible for certifying the
682 source as health approved pursuant to Section 4-37-501.

683 Section 27. Section 4-37-503 is amended to read:

684 **4-37-503. Fish Health Policy Board.**

685 (1) There is created within the department the Fish Health Policy Board [~~which~~] that
686 shall establish policies designed to prevent the outbreak of, control the spread of, and eradicate
687 pathogens that cause disease in aquatic animals.

688 (2) The Fish Health Policy Board shall:

689 (a) in accordance with Subsection (6)(b), determine procedures and requirements for
690 certifying a source of aquatic animals as health approved, including:

691 (i) the pathogens for which inspection is required to receive health approval;

692 (ii) the pathogens that may not be present to receive health approval; and

693 (iii) standards and procedures required for the inspection of aquatic animals;

694 (b) establish procedures for the timely reporting of the presence of a pathogen and
695 disease threat;

696 (c) create policies and procedures for, and appoint, an emergency response team to:

697 (i) investigate a serious disease threat;

698 (ii) develop and monitor a plan of action; and

699 (iii) report to:

700 (A) the commissioner of agriculture and food;

701 (B) the director of the Division of Wildlife Resources; and

702 (C) the chair of the Fish Health Policy Board; and

703 (d) develop a unified statewide aquaculture disease control plan.

704 (3) The Fish Health Policy Board shall advise the commissioner of agriculture and
705 food and the executive director of the Department of Natural Resources regarding:

706 (a) educational programs and information systems to educate and inform the public
707 about practices that the public may employ to prevent the spread of disease; and

708 (b) communication and interaction between the department and the Division of
709 Wildlife Resources regarding fish health policies and procedures.

710 (4) (a) (i) The governor shall appoint the following seven members to the Fish Health
711 Policy Board:

712 (A) one member from names submitted by the Department of Natural Resources;

713 (B) one member from names submitted by the Department of Agriculture and Food;

714 (C) one member from names submitted by a nonprofit corporation that promotes sport
715 fishing;

716 (D) one member from names submitted by a nonprofit corporation that promotes the
717 aquaculture industry;

718 (E) one member from names submitted by the Department of Natural Resources and
719 the Department of Agriculture and Food;

720 (F) one member from names submitted by a nonprofit corporation that promotes sport
721 fishing; and

722 (G) one member from names submitted by a nonprofit corporation that promotes the
723 aquaculture industry.

724 (ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:

725 (A) (I) faculty members of an institution of higher education; or

726 (II) qualified professionals; and

727 (B) have education and knowledge in:

728 (I) fish pathology;

729 (II) business;

730 (III) ecology; or

731 (IV) parasitology.

732 (iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall
733 have education and knowledge about fish pathology.

734 (iv) (A) A nominating person shall submit at least three names to the governor.

735 (B) If the governor rejects all the names submitted for a member, the recommending
736 person shall submit additional names.

737 (b) Except as required by Subsection (4)(c), the term of office of board members shall
738 be four years.

739 (c) Notwithstanding the requirements of Subsection (4)(b), the governor shall, at the
740 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
741 board members are staggered so that approximately half of the board is appointed every two
742 years.

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

745 (e) The board members shall elect a chair of the board from the board's membership.

746 (f) The board shall meet upon the call of the chair or a majority of the board members.

747 (g) An action of the board shall be adopted upon approval of the majority of voting
748 members.

749 (5) A member may not receive compensation or benefits for the member's service, but
750 may receive per diem and travel expenses in accordance with:

751 (a) Section 63A-3-106;

752 (b) Section 63A-3-107; and

753 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
754 63A-3-107.

755 (6) (a) The board shall make rules consistent with its responsibilities and duties
756 specified in this section.

757 (b) Except as provided by this chapter, [aH] rules adopted by the Fish Health Policy
758 Board shall be consistent with the suggested procedures for the detection and identification of
759 pathogens published by the American Fisheries Society's Fish Health Section or the World
760 Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.

761 (c) (i) Rules of the department and Fish Health Policy Board pertaining to the control
762 of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace those
763 provisions.

764 (ii) The Fish Health Policy Board shall promptly amend rules that are inconsistent with
765 the current suggested procedures published by the American Fisheries Society or the World
766 Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.

767 (d) The Fish Health Policy Board may waive a requirement established by the Fish
768 Health Policy Board's rules if:

769 (i) the rule specifies the waiver criteria and procedures; and

770 (ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal
771 populations.

772 Section 28. Section **4-39-108** is amended to read:

773 **4-39-108. Deposit of fees.**

774 The department shall deposit all fees collected under this chapter into the Utah
775 Livestock Brand and Anti-Theft Account created in Section [~~4-24-502~~] 4-24-501.