DONATION OF WILD GAME MEAT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses donation of wild game meat.

Highlighted Provisions:

This bill:

- defines terms;
- addresses liability related to donated wild game meat;
- establishes conditions under which wild game meat may be donated to a nonprofit charitable organization;
- imposes notice requirements;
- imposes restrictions on the purchase, sale, or offer for sale or barter of donated wild game meat;
- authorizes the Department of Agriculture and Food to act if the department has reason to believe that the donated wild game meat is unwholesome;
- addresses donations to the Division of Wildlife Resources that are earmarked for costs associated with processing wild game meat for donation; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None
Utah Code Sections Affected:

AMENDS:

4-34-102, as renumbered and amended by Laws of Utah 2017, Chapter 345
4-34-106, as renumbered and amended by Laws of Utah 2017, Chapter 345

ENACTS:

4-34-108, Utah Code Annotated 1953
23-14-14.3, Utah Code Annotated 1953

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

Section 1. Section 4-34-102 is amended to read:

4-34-102. Definitions.

For purposes of this chapter:

(1) "Agricultural product" means [any] a fowl, animal, fish, vegetable, or other product or article, fresh or processed, [which] that is customary food, or [which] that is proper food for human consumption.

(2) "Gleaner" means a person who harvests, for free distribution, an agricultural crop that has been donated by the owner.

(3) "Nonprofit charitable organization" means any organization [which was] that is organized and is operating for charitable purposes and [which] that meets the requirements of the Internal Revenue Service of the U.S. Department of Treasury that exempt the organization from income taxation under [the provisions of] the Internal Revenue Code.

(4) "Wild game" means the same as that term is defined in Section 4-32-105.

Section 2. Section 4-34-106 is amended to read:

4-34-106. Limitation of liability of donor, nonprofit charitable organization, and county.

[Except] In addition to Section 78B-4-502, except in the event of an injury resulting from gross negligence, recklessness, or intentional conduct, [neither a county nor an agency of a county nor a donor of an agricultural product participating in good faith in a food donation program, nor a nonprofit charitable organization receiving, accepting, gleaning, or distributing any agricultural product donated in good faith to it under this chapter shall be] the following are not liable for damages in [any] a civil action or subject to prosecution in [any] a criminal
proceeding for [any] injury that occurs as a result of [any] an act or the omission of [any] an
act, including injury resulting from ingesting the donated agricultural product[.] or meat from
wild game:

(1) a county or an agency of a county that participates in good faith in a food donation
program;

(2) a donor of an agricultural product who participates in good faith in a food donation
program;

(3) a donor of wild game meat, including a custom meat processor, who complies with
Section [7-34-108] 4-34-108] and participates in good faith in a food donation program; or

(4) a nonprofit charitable organization receiving, accepting, gleaning, or distributing an
agricultural product or meat from wild game donated under this chapter in good faith to the
nonprofit charitable organization.

Section 3. Section 4-34-108 is enacted to read:

4-34-108. Donation of wild game meat.

(1) As used in this section:

(a) "Big game" means the same as that term is defined in Section 23-13-2.

(b) "Custom meat processor" means a person who processes meat but is exempt from
licensure under Section 4-32-106 as a licensed meat establishment.

(c) "Department" means the Department of Agriculture and Food.

(2) Wild game, including big game, lawfully taken by a licensed hunter may be
donated to a nonprofit charitable organization to feed individuals in need.

(3) Donated wild game meat shall meet the following conditions:

(a) come from an animal in apparent good health before harvest of the animal;

(b) come from an animal with intact intestines;

(c) be field-dressed immediately after harvest of the animal and be handled in a manner
in keeping with generally accepted wild game handling procedures;

(d) be processed by a custom meat processor as soon as possible after harvest of the
animal;

(e) be clearly marked as "not for sale";

(f) be clearly marked as "donated wild game meat" in letters not less than three-eights
of an inch in height; and
(g) may not come from a road-kill animal and a road-kill animal may not be donated
under this section.

(4) (a) A donor or custom meat processor of the wild game meat being donated shall
advise the nonprofit charitable organization receiving the donated wild game meat that the
donated wild game meat should be thoroughly cooked before human consumption.
(b) Before serving donated wild game meat, the nonprofit charitable organization shall
prominently post a sign indicating:
(i) that the donated wild game meat is donated wild game meat;
(ii) the type of meat processing used; and
(iii) that the meat has not been inspected.

(5) The Department of Natural Resources may donate wild game meat in the
Department of Natural Resources' possession if this section is followed.

(6) A person may not buy, sell, or offer for sale or barter donated wild game meat.

(7) The department may examine, sample, seize, or condemn donated wild game meat
if the department has reason to believe that the donated wild game meat is unwholesome under
Chapter 5, Utah Wholesome Food Act.

Section 4. Section 23-14-14.3 is enacted to read:

23-14-14.3. Donations related to donation of wild game meat -- Wild Game Meat
Donation Fund.

(1) As used in this section:
(a) "Division" means the Division of Wildlife Resources.
(b) "Fund" means the expendable special revenue fund created in this section.
(c) "Wild game" means the same as that term is defined in Section 4-32-105.

(2) There is created an expendable special revenue fund known as the "Wild Game
Meat Donation Fund."

(3) The fund consists of:
(a) donations made to the division for the purpose of addressing the processing of wild
game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable
organization to feed individuals in need;
(b) appropriations from the Legislature; and
(c) interest and earnings on the fund.
(4) The state treasurer shall invest the money in the fund according to Title 51, Chapter 7, State Money Management Act, except that interest or other earnings derived from those investments shall be deposited into the fund.

(5) The division may use money in the fund only to address the processing of wild game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable organization to feed individuals in need.

(6) The division shall coordinate with the Department of Agriculture and Food to implement this section.