

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



28 **Utah Code Sections Affected:**

29 AMENDS:

30 [4-34-102](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

31 [4-34-106](#), as renumbered and amended by Laws of Utah 2017, Chapter 345

32 ENACTS:

33 [4-34-108](#), Utah Code Annotated 1953

34 [23-14-14.3](#), Utah Code Annotated 1953

35

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

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

38 **4-34-102. Definitions.**

39 For purposes of this chapter:

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

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

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

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

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

51 **4-34-106. Limitation of liability of donor, nonprofit charitable organization, and**
52 **county.**

53 ~~[Except]~~ In addition to Section [78B-4-502](#), except in the event of an injury resulting
54 from gross negligence, recklessness, or intentional conduct, ~~[neither a county nor an agency of~~
55 ~~a county nor a donor of an agricultural product participating in good faith in a food donation~~
56 ~~program, nor a nonprofit charitable organization receiving, accepting, gleaning, or distributing~~
57 ~~any agricultural product donated in good faith to it under this chapter shall be]~~ the following
58 are not liable for damages in ~~[any]~~ a civil action or subject to prosecution in ~~[any]~~ a criminal

59 proceeding for ~~[any]~~ injury that occurs as a result of ~~[any]~~ an act or the omission of ~~[any]~~ an
 60 act, including injury resulting from ingesting the donated agricultural product~~[-]~~ or meat from
 61 wild game:

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

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

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

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

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

72 **4-34-108. Donation of wild game meat.**

73 (1) As used in this section:

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

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

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

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

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

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

82 (b) come from an animal with intact intestines;

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

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

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

88 (f) be clearly marked as "donated wild game meat" in letters not less than three-eighths
 89 of an inch in height; and

90 (g) may not come from a road-kill animal and a road-kill animal may not be donated
91 under this section.

92 (4) (a) A donor or custom meat processor of the wild game meat being donated shall
93 advise the nonprofit charitable organization receiving the donated wild game meat that the
94 donated wild game meat should be thoroughly cooked before human consumption.

95 (b) Before serving donated wild game meat, the nonprofit charitable organization shall
96 prominently post a sign indicating:

97 (i) that the donated wild game meat is donated wild game meat;

98 (ii) the type of meat processing used; and

99 (iii) that the meat has not been inspected.

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

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

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

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

107 **23-14-14.3. Donations related to donation of wild game meat -- Wild Game Meat**
108 **Donation Fund.**

109 (1) As used in this section:

110 (a) "Division" means the Division of Wildlife Resources.

111 (b) "Fund" means the expendable special revenue fund created in this section.

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

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

115 (3) The fund consists of:

116 (a) donations made to the division for the purpose of addressing the processing of wild
117 game meat that is donated in accordance with Section [4-34-108](#) to a nonprofit charitable
118 organization to feed individuals in need;

119 (b) appropriations from the Legislature; and

120 (c) interest and earnings on the fund.

121 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter
122 7, State Money Management Act, except that interest or other earnings derived from those
123 investments shall be deposited into the fund.

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

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