

Representative Joel Ferry proposes the following substitute bill:

DONATION OF FOOD

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 food;
- ▶ establishes conditions under which wild game meat may be donated to a 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



26 **Other Special Clauses:**

27 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



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]~~ "Glean" means to harvest, for free
44 distribution, an agricultural crop that has been donated by the owner.

45 (3) "Government food pantry" means the following when receiving, accepting,
46 gleaning, or distributing food donated under this chapter, or a food pantry sponsored by one of
47 the following that accepts, gleans, or distributes food donated under this chapter:

48 (a) an association of political subdivisions created under Title 11, Chapter 13,
49 Interlocal Cooperation Act;

50 (b) a county; or

51 (c) a municipality as defined in Section [10-1-104](#).

52 ~~(3)~~ (4) "Nonprofit charitable organization" means ~~[any]~~:

53 (a) an organization ~~[which was]~~ that is organized and is operating for charitable
54 purposes and ~~[which]~~ that meets the requirements of the Internal Revenue Service of the U.S.
55 Department of Treasury that exempt the organization from income taxation under ~~[the~~
56 provisions of] the Internal Revenue Code[-]; or

57 (b) a government food pantry.

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

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

60 **4-34-106. Limitation of liability of donor, nonprofit charitable organization, and**
61 **county.**

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

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

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

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

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

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

81 **4-34-108. Donation of wild game meat.**

82 (1) As used in this section:

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

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

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

87 (2) Wild game, including big game, lawfully taken by a licensed hunter may be

88 donated to a nonprofit charitable organization to feed individuals in need.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

116 **23-14-14.3. Donations related to donation of wild game meat -- Wild Game Meat**
117 **Donation Fund.**

118 (1) As used in this section:

- 119 (a) "Division" means the Division of Wildlife Resources.
120 (b) "Fund" means the expendable special revenue fund created in this section.
121 (c) "Nonprofit charitable organization" means the same as that term is defined in
122 Section 4-32-102.
123 (d) "Wild game" means the same as that term is defined in Section [4-32-105](#).
124 (2) There is created an expendable special revenue fund known as the "Wild Game
125 Meat Donation Fund."
126 (3) The fund consists of:
127 (a) donations made to the division for the purpose of addressing the processing of wild
128 game meat that is donated in accordance with Section [4-34-108](#) to a nonprofit charitable
129 organization to feed individuals in need;
130 (b) appropriations from the Legislature; and
131 (c) interest and earnings on the fund.
132 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter
133 7, State Money Management Act, except that interest or other earnings derived from those
134 investments shall be deposited into the fund.
135 (5) The division may use money in the fund only to address the processing of wild
136 game meat that is donated in accordance with Section [4-34-108](#) to a nonprofit charitable
137 organization to feed individuals in need.
138 (6) The division shall coordinate with the Department of Agriculture and Food to
139 implement this section.