

## HB0142S01 compared with HB0142

~~text~~ shows text that was in HB0142 but was deleted in HB0142S01.

text shows text that was not in HB0142 but was inserted into HB0142S01.

**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 Joel Ferry proposes the following substitute bill:

### DONATION OF ~~WILD GAME MEAT~~FOOD

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel Ferry**

Senate Sponsor: ~~\_\_\_\_\_~~David P. Hinkins

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#### 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~~food;
- ▶ 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

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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

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

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

(a) an association of political subdivisions created under Title 11, Chapter 13,

Interlocal Cooperation Act;

(b) a county; or

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(c) a municipality as defined in Section 10-1-104.

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

(a) an 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 ~~[:]~~; or

(b) a government food pantry.

~~(4)~~ (5) "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.**

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(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-eighths 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

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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) "Nonprofit charitable organization" means the same as that term is defined in [Section 4-32-102](#).

(~~f~~~~e~~~~d~~) "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.