

1 **DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joel Ferry**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill makes changes related to the authority and administration of the Department of
9 Agriculture and Food.
10

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ clarifies the Department of Agriculture and Food's authority to award grants;
- 14 ▶ allows the department to email certain registration renewal forms to a registrant
15 unless the registrant requests to receive the forms by mail;
- 16 ▶ authorizes the department to use the Agriculture Resource Development Fund to
17 make loans through a disaster relief program;
- 18 ▶ amends provisions related to the administration of the Utah Rural Rehabilitation
19 Fund;
- 20 ▶ clarifies where the department will send a notice of brand renewal;
- 21 ▶ provides for an annual yearly brand inspection for rodeo stock;
- 22 ▶ adopts certain federal exemptions for the slaughter and processing of poultry;
- 23 ▶ clarifies the acceptable use of the Plant Pest Fund for certain administrative
24 expenses;
- 25 ▶ changes the term "certificate of registration" to the term "license" throughout the
26 Aquaculture Act;
- 27 ▶ amends provisions related to the use of the Agricultural Water Optimization



28 Account; and
29 ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 **AMENDS:**

- 36 **4-2-103**, as last amended by Laws of Utah 2018, Chapter 200
- 37 **4-14-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 38 **4-18-106**, as last amended by Laws of Utah 2019, Chapter 178
- 39 **4-18-108**, as last amended by Laws of Utah 2019, Chapter 178
- 40 **4-19-105**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 41 **4-24-202**, as last amended by Laws of Utah 2021, Chapter 295
- 42 **4-24-306**, as last amended by Laws of Utah 2021, Chapter 295
- 43 **4-24-308**, as last amended by Laws of Utah 2020, Chapter 311
- 44 **4-32-109**, as last amended by Laws of Utah 2020, Chapter 129
- 45 **4-35-106**, as last amended by Laws of Utah 2020, Chapter 326
- 46 **4-37-109**, as last amended by Laws of Utah 2020, Chapter 154
- 47 **4-37-110**, as last amended by Laws of Utah 2010, Chapter 378
- 48 **4-37-111**, as last amended by Laws of Utah 2017, Chapter 412
- 49 **4-37-201**, as last amended by Laws of Utah 2017, Chapter 412
- 50 **4-37-202**, as last amended by Laws of Utah 2014, Chapter 189
- 51 **4-37-203**, as last amended by Laws of Utah 2017, Chapter 412
- 52 **4-37-204**, as last amended by Laws of Utah 2021, Chapter 295
- 53 **4-37-301**, as last amended by Laws of Utah 2017, Chapter 412
- 54 **4-37-302**, as last amended by Laws of Utah 2014, Chapter 189
- 55 **4-37-303**, as last amended by Laws of Utah 2010, Chapter 378
- 56 **4-37-305**, as last amended by Laws of Utah 2010, Chapter 378
- 57 **4-37-401**, as enacted by Laws of Utah 1994, Chapter 153
- 58 **4-37-601**, as enacted by Laws of Utah 1994, Chapter 153

59 **4-37-602**, as last amended by Laws of Utah 2010, Chapter 286
 60 **63I-1-273**, as last amended by Laws of Utah 2021, Chapter 229
 61 **73-10g-204**, as enacted by Laws of Utah 2018, Chapter 143

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

64 Section 1. Section **4-2-103** is amended to read:

65 **4-2-103. Functions, powers, and duties of department -- Fees for services --**
 66 **Marketing orders -- Procedure -- Purchasing and auditing.**

67 (1) The department shall:

68 (a) inquire into and promote the interests and products of agriculture and allied
 69 industries;

70 (b) promote methods for increasing the production and facilitating the distribution of
 71 the agricultural products of the state;

72 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases
 73 among livestock and the means for their prevention and cure; and

74 (ii) initiate, implement, and administer plans and programs to prevent the spread of
 75 diseases among livestock;

76 (d) encourage experiments designed to determine the best means and methods for the
 77 control of diseases among domestic and wild animals;

78 (e) issue marketing orders for any designated agricultural product to:

79 (i) promote orderly market conditions for any product;

80 (ii) give the producer a fair return on the producer's investment at the marketplace; and

81 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
 82 commodities;

83 (f) administer and enforce all laws assigned to the department by the Legislature;

84 (g) establish standards and grades for agricultural products and fix and collect
 85 reasonable fees for services performed by the department in conjunction with the grading of
 86 agricultural products;

87 (h) establish operational standards for any establishment that manufactures, processes,
 88 produces, distributes, stores, sells, or offers for sale any agricultural product;

89 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

90 rules necessary for the effective administration of the agricultural laws of the state;

91 (j) when necessary, make investigations, subpoena witnesses and records, conduct
92 hearings, issue orders, and make recommendations concerning all matters related to
93 agriculture;

94 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
95 private or public place that may become infested or infected with harmful insects, plant
96 diseases, noxious or poisonous weeds, or other agricultural pests;

97 (ii) establish and enforce quarantines;

98 (iii) issue and enforce orders and rules for the control and eradication of pests,
99 wherever they may exist within the state; and

100 (iv) perform other duties relating to plants and plant products considered advisable and
101 not contrary to law;

102 (l) inspect apiaries for diseases inimical to bees and beekeeping;

103 (m) take charge of any agricultural exhibit within the state, if considered necessary by
104 the department, and award premiums at that exhibit;

105 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,
106 Conservation Commission Act, and administer and disburse any funds available to assist
107 conservation districts in the state in the conservation of the state's soil and water resources;

108 (o) participate in the United States Department of Agriculture certified agricultural
109 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

110 (p) promote and support the multiple use of public lands;

111 (q) ensure that any training or certification required of a public official or public
112 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
113 22, State Training and Certification Requirements, if the training or certification is required:

114 (i) under this title;

115 (ii) by the department; or

116 (iii) by an agency or division within the department; and

117 (r) perform any additional functions, powers, and duties provided by law.

118 (2) The department, by following the procedures and requirements of Section
119 [63J-1-504](#), may adopt a schedule of fees assessed for services provided by the department.

120 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:

121 (i) the department gives notice of the proposed order to the producers and handlers of
122 the affected product;

123 (ii) the commissioner conducts a hearing on the proposed order; and

124 (iii) at least 50% of the registered producers and handlers of the affected products vote
125 in favor of the proposed order.

126 (b) (i) The department may establish boards of control to administer marketing orders
127 and the proceeds derived from any order.

128 (ii) A board of control shall:

129 (A) ensure that all proceeds are placed in an account in the board of control's name in a
130 depository institution; and

131 (B) ensure that the account is annually audited by an accountant approved by the
132 commissioner.

133 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
134 deposited into the General Fund as dedicated credits for the grain grading program.

135 (5) In fulfilling its duties in this chapter, the department may:

136 (a) purchase, as authorized or required by law, services that the department is
137 responsible to provide for legally eligible persons;

138 (b) take necessary steps, including legal action, to recover money or the monetary value
139 of services provided to a recipient who is not eligible;

140 (c) examine and audit the expenditures of any public funds provided to a local
141 authority, agency, or organization that contracts with or receives funds from those authorities or
142 agencies; [~~and~~]

143 (d) accept and administer grants from the federal government and from other sources,
144 public or private[?]; and

145 (e) fund grants using money appropriated by the Legislature or money received from
146 any other source.

147 Section 2. Section **4-14-103** is amended to read:

148 **4-14-103. Registration required for distribution -- Application -- Fees -- Renewal**
149 **-- Local needs registration -- Distributor or applicator license -- Fees -- Renewal.**

150 (1) (a) A person that is not registered with the department may not distribute a
151 pesticide in this state.

152 (b) Application for registration shall be made to the department upon forms prescribed
153 and furnished by the department accompanied with an annual registration fee determined by the
154 department pursuant to Subsection 4-2-103(2) for each pesticide registered.

155 (c) Upon receipt by the department of a proper application and payment of the
156 appropriate fee, the commissioner shall issue a registration to the applicant allowing
157 distribution of the registered pesticide in this state through June 30 of each year, subject to
158 suspension or revocation for cause.

159 (d) (i) Each registration is renewable for a period of one year upon the payment of an
160 annual registration renewal fee in an amount equal to the current applicable original
161 registration fee.

162 (ii) Each renewal fee shall be paid on or before June 30 of each year.

163 (2) The application shall include the following information:

164 (a) the name and address of the applicant and the name and address of the person
165 whose name will appear on the label, if other than the applicant's name;

166 (b) the name of the pesticide;

167 (c) a complete copy of the label that will appear on the pesticide; and

168 (d) any information prescribed by rule of the department considered necessary for the
169 safe and effective use of the pesticide.

170 (3) (a) ~~[Forms]~~ Except as provided in Subsection (3)(b), forms for the renewal of
171 registration shall be ~~[mailed]~~ emailed to registrants at least 30 days before ~~[their]~~ the day on
172 which the registrant's registration expires.

173 (b) If a registrant requests to receive forms for the renewal of registration by mail, the
174 department shall mail the forms to the registrant at least 30 days before the day on which the
175 registrant's registration expires.

176 ~~[(b)]~~ (c) A registration in effect on June 30 for which a renewal application has been
177 filed and the registration fee tendered shall continue in effect until the applicant is notified
178 either that the registration is renewed or that the registration is suspended or revoked pursuant
179 to Section 4-14-108.

180 (4) The department may, before approval of any registration, require the applicant to
181 submit the complete formula of any pesticide, including active and inert ingredients, and may
182 also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on

183 which restrictions are being considered, require a complete description of all tests and test
184 results that support the claims made by the applicant or the manufacturer of the pesticide.

185 (5) A registrant who desires to register a pesticide to meet special local needs
186 according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and
187 (2), satisfy the department that:

188 (a) a special local need exists;

189 (b) the pesticide warrants the claims made for the pesticide;

190 (c) the pesticide, if used in accordance with commonly accepted practices, will not
191 cause unreasonable adverse effects on the environment; and

192 (d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).

193 (6) A registration is not required for a pesticide distributed in this state pursuant to an
194 experimental use permit issued by the EPA or under Section [4-14-105](#).

195 (7) A pesticide dealer may not distribute a restricted use pesticide in this state without a
196 license.

197 (8) A person shall receive a license before applying:

198 (a) a restricted use pesticide; or

199 (b) a general use pesticide for hire or in exchange for compensation.

200 (9) (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained
201 by:

202 (i) submitting an application on a form provided by the department;

203 (ii) showing evidence of competence in the pesticide profession, as established by rule,
204 and complying with the rules adopted by the department under this chapter;

205 (iii) demonstrating good character;

206 (iv) having no outstanding infractions and owing no money to the department; and

207 (v) paying the license fee determined by the department according to Subsection
208 [4-2-103](#)(2).

209 (b) A person may apply for a triennial license that expires on December 31 of the
210 second calendar year after the calendar year in which the license is issued.

211 (c) Notwithstanding Section [63J-1-504](#), the department shall retain the fees as
212 dedicated credits and may only use the fees to administer and enforce this title.

213 Section 3. Section [4-18-106](#) is amended to read:

214 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**
215 **money -- Advisory board.**

216 (1) As used in this section:

217 (a) "Disaster" means an extraordinary circumstance, including a flood, drought, or fire,
218 that results in:

219 (i) the president of the United States declaring an emergency or major disaster in the
220 state;

221 (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,
222 Disaster Response and Recovery Act; or

223 (iii) the chief executive officer of a local government declaring a local emergency
224 under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

225 (b) "Local government" means the same as that term is defined in Section [53-2a-602](#).

226 ~~[(1)]~~ (2) There is created a revolving loan fund known as the Agriculture Resource
227 Development Fund.

228 ~~[(2)]~~ (3) The Agriculture Resource Development Fund shall consist of:

229 (a) money appropriated to ~~[(it)]~~ the fund by the Legislature;

230 (b) sales and use tax receipts transferred to the fund in accordance with Section
231 [59-12-103](#);

232 (c) money received for the repayment of loans made from the fund;

233 (d) money made available to the state for agriculture resource development from any
234 source; and

235 (e) interest earned on the fund.

236 ~~[(3)]~~ (4) The commission ~~[(shall)]~~ may make loans from the Agriculture Resource
237 Development Fund for ~~[(a)]~~ [a]:

238 (a) a rangeland improvement and management project;

239 (b) a watershed protection or flood prevention project;

240 (c) a soil and water conservation project;

241 (d) a program designed to promote energy efficient farming practices;

242 (e) an improvement program for agriculture product storage or program designed to
243 protect a crop or animal resource;

244 (f) a hydroponic or aquaponic system; ~~[(or)]~~

- 245 (g) a project or program to improve water quality [or];
 246 (h) a project to address other environmental issues[-]; or
 247 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability
 248 of agriculture during and immediately following a disaster.

249 (5) (a) Loans made through a disaster relief program described in Subsection (4)(i) may
 250 not comprise more than 10% of the funds appropriated by the Legislature to the Agriculture
 251 Resource Development Fund.

252 (b) Notwithstanding Subsection (5)(a), the department may use all money appropriated
 253 to the Agriculture Resource Development Fund by the Legislature or another source, without
 254 limitation, if the money is appropriated specifically for use in a disaster relief program.

255 (c) (i) Until December 31, 2024, the department is authorized to borrow up to
 256 \$3,000,000 of General Fund appropriations from the Agricultural Water Optimization Account
 257 created in Section 73-10g-204 to be used in making loans through a disaster relief program
 258 described in Subsection (4)(i).

259 (ii) If the department borrows from the Agricultural Water Optimization Account
 260 under Subsection (5)(c)(i), the department shall deposit the repayment of principal and interest
 261 on loans made through a disaster relief program, regardless of the source of the funds used to
 262 make those loans, into the Agricultural Water Optimization Account, with preference over the
 263 repayment of any other source of funds, until the Agricultural Water Optimization Account is
 264 repaid in full.

265 ~~[(4)]~~ (6) The commission may appoint an advisory board [that shall] to:

- 266 (a) oversee the award process for loans, as described in this section;
 267 (b) approve loans; and
 268 (c) recommend policies and procedures for the Agriculture Resource Development
 269 Fund that are consistent with statute.

270 Section 4. Section **4-18-108** is amended to read:

271 **4-18-108. Grants for environmental improvement projects -- Criteria for award**
 272 **-- Duties of commission.**

273 (1) The commission may make a grant from the Agriculture Resource Development
 274 Fund, or from funds appropriated by the federal government, Legislature, or another entity, to
 275 an eligible entity, as defined by the department by rule made in accordance with Title 63G,

276 Chapter 3, Utah Administrative Rulemaking Act, for:

277 ~~[(a) a purpose set forth under Subsection 4-18-106(3);]~~

278 ~~[(b) the development or implementation of a coordinated resource management plan~~
 279 ~~with a conservation district, as defined in Section 17D-3-102;]~~

280 ~~[(c)]~~ (a) control or eradication of noxious weeds and invasive plant species in
 281 cooperation and coordination with a local weed board;

282 ~~[(d)]~~ (b) the costs of plans or projects to improve manure management, control surface
 283 water runoff, or address other environmental issues on ~~[the]~~ a farm or ranch operation,
 284 including the costs of preparing or implementing a nutrient management plan; ~~[or]~~

285 ~~[(e)]~~ (c) the improvement of water quality ~~[or]~~;

286 (d) the development of watershed plans; or

287 (e) a program to address other environmental issues.

288 ~~[(2) The commission may make a grant for a purpose described in Subsection (1) from~~
 289 ~~money appropriated by the Legislature for the purpose of awarding a grant under this section.]~~

290 ~~[(3)]~~ (2) (a) In awarding a grant, the commission shall consider the following criteria:

291 (i) the ability of the grantee to pay for the costs of proposed plans or projects;

292 (ii) the availability of:

293 (A) matching funds provided by the grantee or another source; or

294 (B) material, labor, or other items of value provided in lieu of money by the grantee or
 295 another source; and

296 (iii) the benefits that accrue to the general public by the awarding of a grant.

297 (b) The commission may establish by rule additional criteria for the awarding of a
 298 grant.

299 ~~[(4)]~~ (3) The commission shall make rules in accordance with Title 63G, Chapter 3,
 300 Utah Administrative Rulemaking Act, to implement this section.

301 ~~[(5)]~~ (4) The commission may appoint an advisory board to:

302 (a) assist with the grant process;

303 (b) make recommendations to the commission regarding grants; and

304 (c) establish policies and procedures for awarding loans or grants ~~[from the~~
 305 ~~Agricultural Resource Development Fund]~~.

306 Section 5. Section **4-19-105** is amended to read:

307 **4-19-105. Utah Rural Rehabilitation Fund.**

308 (1) The department shall deposit all income generated from the administration of the
309 rural rehabilitation program in a separate fund known as the "Utah Rural Rehabilitation Fund."

310 (2) The ~~[state treasurer]~~ Division of Finance shall maintain the Utah Rural
311 Rehabilitation Fund and record all debits and credits made to the fund by the department.

312 (3) The Office of the Treasurer shall deposit interest and other earnings derived from
313 investment of money in the Utah Rural Rehabilitation Fund into the fund.

314 Section 6. Section **4-24-202** is amended to read:

315 **4-24-202. Recordation of brand.**

316 (1) (a) Application for a recorded brand shall be made to the department upon forms
317 prescribed and furnished by the department.

318 (b) The application shall contain the ~~[information the commissioner prescribes.]~~
319 following information:

320 (i) the name of each applicant;

321 (ii) a single designated address where the department will send a notice of brand
322 renewal; and

323 (iii) a description of the brand that is the subject of the application.

324 (c) An application may not be approved without payment of the appropriate recording
325 fee.

326 (d) Upon receipt of a proper application, payment of the recording fee, and recordation
327 of the brand in the central Brand Registry of the department, the commissioner shall issue the
328 applicant a certified copy of recording that entitles the applicant to the exclusive use of the
329 brand recorded.

330 (2) (a) A recorded brand filed with the central Brand Registry expires during the
331 calendar year 1980, and during each fifth year thereafter.

332 (b) (i) The department shall ~~[give]~~ send notice in writing to ~~[all persons who are~~
333 ~~owners of recorded brands]~~ the address designated under Subsection (1)(b)(ii) within a
334 reasonable time before the date of expiration of recordation.

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

337 (iii) The holder of a registered brand has an affirmative duty to inform the department

338 of a change to the contact information provided on the initial application for a recorded brand.

339 (c) Brand renewal is affected by filing an appropriate application with the department
340 together with payment of the renewal fee.

341 (d) A recorded brand, not timely renewed, shall lapse and be removed from the central
342 Brand Registry.

343 Section 7. Section **4-24-306** is amended to read:

344 **4-24-306. Movement across state line -- Brand inspection required -- Exception --**
345 **Request for brand inspection -- Time and place of inspection.**

346 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,
347 calves, horses, domesticated elk, or mules from any place within this state to a place outside
348 this state until the animal has been brand inspected.

349 (2) Subsection (1) does not apply:

350 (a) if the animals specified in Subsection (1) customarily forage on an open range
351 which transgresses the Utah state line and that of an adjoining state[-]; or

352 (b) to rodeo stock that have received a current yearly brand inspection.

353 (3) The owner or person responsible for driving or transporting the animals shall
354 request the department to inspect the brands of the animals to be moved.

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

357 Section 8. Section **4-24-308** is amended to read:

358 **4-24-308. Brand inspection fees.**

359 (1) The department with the approval of the Livestock Brand Board may set and collect
360 a fee for the:

361 (a) issuance of any certificate of brand inspection, including a yearly brand inspection
362 of rodeo stock;

363 (b) verification of ownership at a custom exempt slaughter facility before slaughter for
364 the owner's use;

365 (c) verification of ownership by a farm custom slaughter licensee before slaughter for
366 the owner's use; or

367 (d) verification of ownership by a state or department employee at a meat
368 establishment where there is no transfer of ownership.

369 (2) Brand inspection fees incurred for the inspection of such animals at a livestock
370 market may be withheld by the market and paid from the proceeds derived from their sale.

371 (3) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).
372 Section 9. Section 4-32-109 is amended to read:

373 **4-32-109. Mandatory functions, powers, and duties of department prescribed.**

374 (1) The department shall make rules pursuant to Title 63G, Chapter 3, Utah
375 Administrative Rulemaking Act, concerning the following functions, powers, and duties, in
376 addition to those specified in Chapter 1, General Provisions, for the administration and
377 enforcement of this chapter.

378 (2) The department shall require antemortem and postmortem inspections, quarantine,
379 segregation, and reinspections by inspectors appointed for those purposes with respect to the
380 slaughter of animals and the preparation of meat and poultry products at official
381 establishments, except as provided in Subsection 4-32-110(13).

382 (3) The department shall require that:

383 (a) animals be identified for inspection purposes;

384 (b) meat or poultry products, or their containers be marked or labeled as:

385 (i) "Utah Inspected and Passed" if, upon inspection, the products are found to be
386 unadulterated; and

387 (ii) "Utah Inspected and Condemned" if, upon inspection, the products are found to be
388 adulterated; and

389 (c) condemned animal carcasses or products, which otherwise would be used for
390 human consumption, be destroyed under the supervision of an inspector.

391 (4) The department shall prohibit or limit meat products, poultry products, or other
392 materials not prepared under inspection procedures provided in this chapter, from being
393 brought into official establishments.

394 (5) The department shall require that labels and containers for meat and poultry
395 products:

396 (a) bear all information required by Section 4-32-115 if the product leaves the official
397 establishment; and

398 (b) be approved before sale or transportation.

399 (6) For official establishments required to be inspected under Subsection (2), the

400 department shall:

401 (a) prescribe sanitary standards;

402 (b) require sanitary inspections; and

403 (c) refuse to provide inspection service if the sanitary conditions allow adulteration of
404 any meat or poultry product.

405 (7) (a) The department shall require that any person engaged in a business referred to in
406 Subsection (7)(b):

407 (i) keep accurate records disclosing all pertinent business transactions;

408 (ii) allow inspection of the business premises at reasonable times and examination of
409 inventory, records, and facilities; and

410 (iii) allow samples to be taken.

411 (b) Subsection (7)(a) applies to any person who:

412 (i) slaughters animals;

413 (ii) prepares, freezes, packages, labels, buys, sells, transports, or stores any meat or
414 poultry products for human or animal consumption;

415 (iii) renders animals; or

416 (iv) buys, sells, or transports any dead, dying, disabled, or diseased animals, or parts of
417 their carcasses that died by a method other than slaughter.

418 (8) (a) ~~[The]~~ Except as provided in Subsections (11) and (12), the department shall:

419 (i) adopt by reference rules under federal acts with changes that the commissioner
420 considers appropriate to make the rules applicable to operations and transactions subject to this
421 chapter; and

422 (ii) make any other rules considered necessary for the efficient execution of the
423 provisions of this chapter, including rules of practice providing an opportunity for hearing in
424 connection with the issuance of orders under Subsection (6) or under Subsection [4-32-110\(1\)](#),
425 (2), or (3) and prescribing procedures for proceedings in these cases.

426 (b) These procedures do not preclude requiring that a label or container be withheld
427 from use, or inspection be refused under Subsection (2) or (6), or Subsection [4-32-110\(3\)](#),
428 pending issuance of a final order in the proceeding.

429 (9) (a) To prevent the inhumane slaughtering of animals, inspectors shall be appointed
430 to examine and inspect methods of handling and slaughtering animals.

431 (b) Inspection of slaughtering establishments may be refused or temporarily suspended
432 if animals have been slaughtered or handled by any method not in accordance with the Humane
433 Methods of Slaughter Act of 1978, Pub. L. No. 95-445.

434 (c) Before slaughtering an animal in accordance with requirements of Kosher, Halal, or
435 a religious faith's requirements that discourage stunning of the animal, the person slaughtering
436 the animal shall file a written request with the commissioner.

437 (10) (a) The department shall require an animal showing symptoms of disease during
438 antemortem inspection, performed by an inspector appointed for that purpose, to be set apart
439 and slaughtered separately from other livestock and poultry.

440 (b) When slaughtered, the carcasses of livestock and poultry are subject to careful
441 examination and inspection in accordance with rules prescribed by the commissioner.

442 ~~[(11) Subject to Subsection (14), the department shall make rules for exemptions for~~
443 ~~persons who slaughter or process fewer than 20,000 poultry during the calendar year to be no~~
444 ~~more stringent than the exemptions described in 21 U.S.C. Secs. 464(c)(1)(C), 21 U.S.C. Sec.~~
445 ~~464(c)(3), 9 C.F.R. Sec. 381.10(a)(5), and 9 C.F.R. Secs. 381.10(b)(1) and (2).]~~

446 ~~[(12) Subject to Subsection (14), the department shall make rules for exemptions for~~
447 ~~persons who slaughter or process fewer than 1,000 poultry during the calendar year to be no~~
448 ~~more stringent than the exemptions described in 21 U.S.C. Sec. 464(c)(4) and 9 C.F.R. Sec.~~
449 ~~381.10(c).]~~

450 (11) The department shall adopt the exemptions described in 9 C.F.R. Sec.
451 381.10(a)(5) through (7) for persons who slaughter or process fewer than 20,000 poultry during
452 the calendar year.

453 (12) The department shall adopt the exemptions described in 9 C.F.R. Sec. 381.10(c)
454 for persons who slaughter or process fewer than 1,000 poultry during the calendar year.

455 (13) The department may maintain:

456 (a) a registry of persons who slaughter or process fewer than 20,000 poultry during the
457 calendar year; and

458 (b) a registry of persons who slaughter or process fewer than 1,000 poultry during the
459 calendar year.

460 ~~[(14) The department shall make the rules described in Subsections (11) and (12) after~~
461 ~~the day on which the department receives approval from the U.S. Department of Agriculture~~

462 ~~that making the rules will preserve the state's role in meat and poultry inspections.]~~

463 Section 10. Section **4-35-106** is amended to read:

464 **4-35-106. Plant Pest Fund.**

465 (1) There is created an expendable special revenue fund known as the "Plant Pest
466 Fund."

467 (2) The fund is funded from:

468 (a) money the plant industry division within the department receives under this title;

469 (b) the landowner's and lessee's share of costs, if required by rule made by the

470 department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

471 (c) appropriations from the Legislature;

472 (d) federal money deposited into the fund; and

473 (e) the interest and earnings on the fund.

474 (3) The department may only use money in the fund to fund survey, detection,
475 eradication, or suppression efforts for plant pests with the exception designated in Subsection

476 (4).

477 (4) The department may annually use an amount not to exceed the lesser of the
478 following ~~[to carry out the department's duties under this chapter]~~ for staff or administrative
479 costs to carry out the department's duties under this chapter:

480 (a) 10% of the fund annually; or

481 (b) \$300,000.

482 (5) (a) The fund may not exceed \$10,000,000 of money deposited under Subsections
483 (2)(a), (c), and (e).

484 (b) The Division of Finance shall transfer the money described in Subsection (5)(a) in
485 excess of \$10,000,000 at the end of a fiscal year into the General Fund.

486 (6) Federal money deposited into the fund shall be accounted for separately.

487 (7) Fund money may be used as matching funds for participation in programs of the
488 United States Department of Agriculture for survey, detection, eradication, or suppression
489 efforts of plant pests.

490 Section 11. Section **4-37-109** is amended to read:

491 **4-37-109. Department to make rules.**

492 (1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

493 Administrative Rulemaking Act:

494 (a) specifying procedures for the application and renewal of [~~certificates of~~
495 ~~registration~~] licenses for operating an aquaculture or fee fishing facility; and

496 (b) governing the disposal or removal of aquatic animals from an aquaculture or fee
497 fishing facility for which the [~~certificate of registration~~] license has lapsed or been revoked.

498 (2) (a) The department may make other rules consistent with its responsibilities set
499 forth in Section [4-37-104](#).

500 (b) Except as provided by this chapter, the rules authorized by Subsection (2)(a) shall
501 be consistent with the suggested procedures for the detection and identification of pathogens
502 published by the American Fisheries Society's Fish Health Section.

503 Section 12. Section **4-37-110** is amended to read:

504 **4-37-110. Inspection of records and facilities.**

505 (1) The following records and information shall be maintained by an aquaculture or fee
506 fishing facility for a period of two years and shall be available for inspection by a department
507 representative during reasonable hours:

508 (a) records of purchase, acquisition, distribution, and production histories of aquatic
509 animals;

510 (b) [~~certificate of registration~~] a license; and

511 (c) valid identification of stocks, including origin of stocks.

512 (2) Department representatives may conduct pathological, fish culture, or physical
513 investigations at any aquaculture, public aquaculture, or fee fishing facility during reasonable
514 hours.

515 Section 13. Section **4-37-111** is amended to read:

516 **4-37-111. Prohibited sites.**

517 (1) Except as provided in Subsection (2), an aquaculture facility or a fee fishing facility
518 may not be developed on:

519 (a) a natural lake;

520 (b) a natural flowing stream; or

521 (c) a reservoir constructed on a natural stream channel.

522 (2) The Division of Wildlife Resources may authorize an aquaculture facility, public
523 aquaculture facility, or fee fishing facility on a natural lake or reservoir constructed on a natural

524 stream channel upon inspecting and determining:

525 (a) the facility and inlet source of the facility neither contain wild game fish nor are
526 likely to support such species in the future;

527 (b) the facility and the facility's intended use will not jeopardize conservation of
528 aquatic wildlife or lead to the privatization or commercialization of aquatic wildlife;

529 (c) the facility is properly screened as provided in Subsection 23-15-10(3)(c) and
530 otherwise in compliance with the requirements of this title, rules of the Wildlife Board, and
531 applicable law; and

532 (d) the facility is not vulnerable to flood or high water events capable of compromising
533 the facility's inlet or outlet screens and allowing escapement of privately owned fish into waters
534 of the state.

535 (3) Any authorization issued by the Division of Wildlife Resources under Subsection
536 (2) shall be in the form of a [~~certificate of registration~~] license.

537 Section 14. Section 4-37-201 is amended to read:

538 **4-37-201. License required to operate an aquaculture facility.**

539 (1) A person may not operate an aquaculture facility without first obtaining a
540 [~~certificate of registration~~] license from the department.

541 (2) (a) Each application for a [~~certificate of registration~~] license to operate an
542 aquaculture facility shall be accompanied by a fee.

543 (b) The fee shall be established by the department in accordance with Section
544 63J-1-504.

545 (3) The department shall coordinate with the Division of Wildlife Resources:

546 (a) on the suitability of the proposed site relative to potential impacts on adjacent wild
547 aquatic animal populations; and

548 (b) in determining which species the holder of the [~~certificate of registration~~] license
549 may propagate, possess, transport, or sell.

550 (4) The department shall list on the [~~certificate of registration~~] license the species
551 which the holder may propagate, possess, transport, or sell.

552 Section 15. Section 4-37-202 is amended to read:

553 **4-37-202. Acquisition of aquatic animals for use in aquaculture facilities.**

554 (1) Live aquatic animals intended for use in aquaculture facilities may be purchased or

555 acquired only from:

556 (a) aquaculture facilities within the state that have a ~~[certificate of registration]~~ license
557 and health approval number;

558 (b) public aquaculture facilities within the state that have a health approval number; or

559 (c) sources outside the state that are health approved as provided in Part 5, Health
560 Approval.

561 (2) A person holding a ~~[certificate of registration]~~ license for an aquaculture facility
562 shall submit annually to the department a record of each purchase of live aquatic animals and
563 transfer of live aquatic animals into the facility. This record shall include the following
564 information:

565 (a) name, address, and health approval number of the source;

566 (b) date of transaction; and

567 (c) number and weight by species.

568 (3) The records required by Subsection (2) shall be submitted to the department before
569 a ~~[certificate of registration]~~ license is renewed or a subsequent ~~[certificate of registration]~~
570 license is issued.

571 Section 16. Section **4-37-203** is amended to read:

572 **4-37-203. Transportation of aquatic animals to or from aquaculture facilities.**

573 (1) Any person holding a ~~[certificate of registration]~~ license for an aquaculture facility
574 may transport the live aquatic animals specified on the ~~[certificate of registration]~~ license to the
575 facility or to any person who has been issued a ~~[certificate of registration]~~ license or who is
576 otherwise authorized by law to possess those aquatic animals.

577 (2) Each transfer or shipment of live aquatic animals from or to an aquaculture facility
578 within the state shall be accompanied by documentation of the source and destination of the
579 fish, including:

580 (a) name, address, ~~[certificate of registration]~~ license number, and health approval
581 number of the source;

582 (b) number and weight being shipped, by species;

583 (c) name of the recipient;

584 (d) address of the destination; and

585 (e) (i) ~~[certificate of registration]~~ license number of the receiving facility; or

586 (ii) location of the private fish pond or short-term fishing event when authorized to
587 receive the aquatic animal without a certificate of registration under Division of Wildlife
588 Resources rules.

589 Section 17. Section **4-37-204** is amended to read:

590 **4-37-204. Sale of aquatic animals from aquaculture facilities.**

591 (1) (a) Except as provided by Subsection (1)(c) and subject to Subsection (1)(b), a
592 person holding a [~~certificate of registration~~] license for an aquaculture facility may take an
593 aquatic animal as approved on the [~~certificate of registration~~] license from the facility at any
594 time and offer the aquatic animal for sale.

595 (b) A live aquatic animal may be sold within Utah only to a person who:

596 (i) has been issued a [~~certificate of registration~~] license to possess the aquatic animal;
597 or

598 (ii) is eligible to receive the aquatic animal without a certificate of registration under
599 Wildlife Board rules.

600 (c) A person who owns or operates an aquaculture facility may sell live aquatic animals
601 if the person:

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

603 (ii) inspects the pond or holding facility to verify that the pond or facility is in
604 compliance with Subsections [23-15-10\(2\)](#) and [\(3\)\(c\)](#); and

605 (iii) stocks the species and reproductive capability of aquatic animals authorized by the
606 Wildlife Board in accordance with Section [23-15-10](#) for stocking in the area where the pond or
607 holding facility is located.

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

610 (a) date of transaction;

611 (b) name, address, [~~certificate of registration~~] license number, and health approval
612 number;

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

614 (i) species; and

615 (ii) reproductive capability; and

616 (d) name and address of the receiver.

617 (3) (a) A person holding a [~~certificate of registration~~] license for an aquaculture facility
618 shall submit to the department an annual report of each sale of live aquatic animals or each
619 transfer of live aquatic animals in Utah. The department shall forward the report to the Division
620 of Wildlife Resources. The department or Division of Wildlife Resources may request copies
621 of receipts from an aquaculture facility.

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

623 (i) name, address, and [~~certificate of registration~~] license number of the seller or
624 supplier;

625 (ii) number and weight of aquatic animals by species and reproductive capacity;

626 (iii) date of sale or transfer; and

627 (iv) name, address, phone number, and [~~certificate of registration~~] license number of
628 the receiver.

629 (4) Geographic coordinates of the stocking location shall be provided if the receiver is
630 eligible to stock the aquatic animal without a [~~certificate of registration~~] license under Wildlife
631 Board rules.

632 (5) A report required by Subsection (3) shall be submitted before:

633 (a) a [~~certificate of registration~~] license is renewed or a subsequent [~~certificate of~~
634 ~~registration~~] license is issued; or

635 (b) a health approval number is issued.

636 Section 18. Section **4-37-301** is amended to read:

637 **4-37-301. License required to operate a fee fishing facility.**

638 (1) A person may not operate a fee fishing facility without first obtaining a [~~certificate~~
639 ~~of registration~~] license from the department.

640 (2) (a) Each application for a [~~certificate of registration~~] license to operate a fee fishing
641 facility shall be accompanied by a fee.

642 (b) The fee shall be established by the department in accordance with Section
643 **63J-1-504**.

644 (3) The department shall coordinate with the Division of Wildlife Resources:

645 (a) on the suitability of the proposed site relative to potential impacts on adjacent wild
646 aquatic animal populations; and

647 (b) in determining which species the holder of the [~~certificate of registration~~] license

648 may possess or transport to or stock into the facility.

649 (4) The department shall list on the [~~certificate of registration~~] license the species
650 which the holder may possess or transport to or stock into the facility.

651 (5) A person holding a [~~certificate of registration~~] license for an aquaculture facility
652 may also operate a fee fishing facility without obtaining an additional [~~certificate of~~
653 ~~registration~~] license, if the fee fishing facility:

654 (a) is in a body of water meeting the criteria of Section 4-37-111 which is connected
655 with the aquaculture facility;

656 (b) contains only those aquatic animals specified on the [~~certificate of registration~~]
657 license for the aquaculture facility; and

658 (c) is designated on the [~~certificate of registration~~] license for the aquaculture facility.
659 Section 19. Section 4-37-302 is amended to read:

660 **4-37-302. Acquisition of aquatic animals for use in fee fishing facilities.**

661 (1) Live aquatic animals intended for use in fee fishing facilities may be purchased or
662 acquired only from:

663 (a) aquaculture facilities within the state that have a [~~certificate of registration~~] license
664 and health approval number;

665 (b) public aquaculture facilities within the state that have a health approval number; or

666 (c) sources outside the state that are health approved pursuant to Part 5, Health
667 Approval.

668 (2) (a) A person holding a [~~certificate of registration~~] license for a fee fishing facility
669 shall submit to the department an annual report of all live fish purchased or acquired.

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

671 (i) name, address, and [~~certificate of registration~~] license number of the seller or
672 supplier;

673 (ii) number and weight by species;

674 (iii) date of purchase or transfer; and

675 (iv) name, address, and [~~certificate of registration~~] license number of the receiver.

676 (c) The report shall be submitted to the department before a [~~certificate of registration~~]
677 license is renewed or a subsequent [~~certificate of registration~~] license is issued.

678 Section 20. Section 4-37-303 is amended to read:

679 **4-37-303. Transportation of live aquatic animals to fee fishing facilities.**

680 (1) Any person holding a [~~certificate of registration~~] license for a fee fishing facility
681 may transport the live aquatic animals specified on the [~~certificate of registration~~] license to the
682 facility.

683 (2) Each transfer or shipment of live aquatic animals to a fee fishing facility within the
684 state shall be accompanied by documentation of the source and destination of the fish,
685 including:

686 (a) name, address, [~~certificate of registration~~] license number, and health approval
687 number of the source;

688 (b) number and weight being shipped by species; and

689 (c) name, address, and [~~certificate of registration~~] license number of the destination.

690 Section 21. Section **4-37-305** is amended to read:

691 **4-37-305. Fishing license not required to fish at fee fishing facilities --**
692 **Transportation of dead fish.**

693 (1) A fishing license is not required to take fish from fee fishing facilities.

694 (2) To transport dead fish from fee fishing facilities the fish shall be accompanied by
695 the seller's receipt containing the following information:

696 (a) species and number of fish;

697 (b) date caught;

698 (c) [~~certificate of registration~~] license number of the fee fishing facility; and

699 (d) name, address, and telephone number of the seller.

700 Section 22. Section **4-37-401** is amended to read:

701 **4-37-401. License required to import aquatic animals for aquaculture or fee**
702 **fishing facilities.**

703 (1) A person may not import aquatic animals classified as controlled species by rules of
704 the Wildlife Board into the state for use in aquaculture or fee fishing facilities without first
705 obtaining a [~~certificate of registration~~] license from the department.

706 (2) The department shall:

707 (a) coordinate with the Division of Wildlife Resources in determining which species
708 the holder may import into the state; and

709 (b) specify those species on the [~~certificate of registration~~] license.

710 (3) A person may not import species into the state that are not listed on the [~~certificate~~
711 ~~of registration~~] license.

712 Section 23. Section **4-37-601** is amended to read:

713 **4-37-601. Enforcement and penalties.**

714 (1) Any violation of this chapter is a class B misdemeanor and may be grounds for
715 revocation of the [~~certificate of registration~~] license or denial of any future [~~certificate of~~
716 ~~registration~~] license as determined by the department.

717 (2) A violation of any rule made under this chapter may be grounds for revocation of
718 the [~~certificate of registration~~] license or denial for future [~~certificate of registration~~] license as
719 determined by the department.

720 Section 24. Section **4-37-602** is amended to read:

721 **4-37-602. Adjudicative proceedings -- Presiding officer.**

722 (1) Adjudicative proceedings under this chapter shall be conducted in accordance with
723 Title 63G, Chapter 4, Administrative Procedures Act.

724 (2) The revocation of an aquaculture facility's [~~certificate of registration~~] license, the
725 denial of an aquaculture facility's future [~~certificate of registration~~] license, and a denial or
726 cancellation of an aquaculture facility's health approval number is a state agency action
727 governed by Title 63G, Chapter 4, Administrative Procedures Act.

728 (3) (a) An owner or operator of an aquaculture facility may ask for an agency review,
729 as provided by Section **63G-4-301**, of an agency action specified in Subsection (2).

730 (b) The presiding officer, as defined in Section **63G-4-103**, conducting the agency
731 review shall consist of three members as follows:

732 (i) the person representing sport fishermen, appointed under Subsection
733 **4-37-503(4)(a)(i)(C)**;

734 (ii) one person representing the aquaculture industry, appointed by the governor from
735 names submitted by a nonprofit corporation, as defined in Section **16-6a-102**, that promotes the
736 efficient production, distribution, and marketing of aquaculture products and the welfare of all
737 persons engaged in aquaculture; and

738 (iii) one person, appointed by the governor, who is knowledgeable about aquatic
739 diseases and is employed by an institution of higher education.

740 (c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the

741 recommending nonprofit corporation shall submit additional names.

742 (d) The final decision of the presiding officer shall be adopted upon approval of at least
743 two of the members.

744 (e) The term for the member listed in Subsection (3)(b)(i) shall be the same as provided
745 in Section 4-37-503.

746 (f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be
747 four years.

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

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

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

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

754 Section 25. Section 63I-1-273 is amended to read:

755 **63I-1-273. Repeal dates, Title 73.**

756 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed
757 January 1, 2031.

758 (2) In relation to Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, [is
759 repealed July 1, 2025:] on July 1, 2025:

760 (a) Section 73-10g-202 is repealed; and

761 (b) Section 73-10g-203 is repealed.

762 (3) Section 73-18-3.5, which creates the Boating Advisory Council, is repealed July 1,
763 2024.

764 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,
765 2027.

766 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

767 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

768 (b) Subsection 73-10-4(1)(h) is repealed; and

769 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

770 Section 26. Section 73-10g-204 is amended to read:

771 **73-10g-204. Agricultural Water Optimization Account.**

772 (1) As used in this section:

773 (a) "Account" means the Agricultural Water Optimization Account created in
774 Subsection (2).

775 (b) "Agricultural water optimization" means the implementation of agricultural and
776 water management practices that maintain or increase viable agriculture while minimizing
777 negative impacts on water supply, water quality, and the environment.

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

779 (2) There is created a restricted account within the General Fund called the Agricultural
780 Water Optimization Account.

781 ~~[(2)]~~ (3) The ~~[Agricultural Water Optimization Account]~~ account consists of:

782 (a) appropriations from the Legislature ~~[and]~~;

783 (b) federal funds; and

784 (c) grants or donations from other public or private sources.

785 ~~[(3) The task force created in Section 73-10g-202 may, subject to appropriation,~~
786 ~~expend money in the Agricultural Water Optimization Account to fulfill the duties of Section~~
787 ~~73-10g-203.]~~

788 (4) Subject to appropriation, the department may use money in the account to issue
789 grants to improve agricultural water optimization.

790 (5) Until December 31, 2024, the department may loan up to \$3,000,000 of General
791 Fund money in the account to the Agriculture Resource Development Fund, subject to the
792 conditions described in Section 4-18-106.

793 (6) (a) The account shall earn interest.

794 (b) The Division of Finance shall deposit all interest earned on the account into the
795 account.