

Representative Norman K Thurston proposes the following substitute bill:

ANIMAL CARE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill addresses the care of animals.

Highlighted Provisions:

This bill:

▶ defines terms;

~~H→ [→ authorizes the department to adopt a fee schedule to cover administrative costs for enforcement of animal care violations;] ←H~~

▶ authorizes the department to impose civil penalties on a person for certain violations;

▶ establishes requirements for animal care; and

▶ criminalizes a violation of the animal care requirements.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

76-9-301, as last amended by Laws of Utah 2021, Chapter 57

2nd Sub. H.B. 359



88 animal:

89 (ii) does not maintain a central facility for keeping the companion animal; and

90 (iii) uses a system of temporarily fostering the companion animal in a private home or
91 boarding facility.

92 (e) "Animal sanctuary" means a nonprofit entity, other than a government entity, that:

93 (i) harbors companion animals; and

94 (ii) is used exclusively for the purpose of indefinitely caring for, rehabilitating, or
95 housing companion animals.

96 (f) (i) "Animal shelter" means a public or private facility for the impoundment or care
97 of companion animals that is operated by:

98 (A) a person;

99 (B) a humane society;

100 (C) a society for the prevention of cruelty to animals; or

101 (D) a nonprofit organization.

102 (ii) "Animal shelter" does not include an animal rescue.

103 (g) "Boarding facility" means a facility where a companion animal is kept for the
104 purpose of caring for the companion animal.

105 ~~(e)~~ (h) "Companion animal" means an animal that is a domestic dog or a domestic
106 cat.

107 ~~(d)~~ (i) "Custody" means ownership, possession, or control over an animal.

108 (j) (i) "Dog breeder" means a person who breeds dogs for the ~~H~~→ **primary or express** ←~~H~~
108a purposes of selling,

109 trading, bartering, or otherwise transferring dogs to another person for profit.

110 (ii) "Dog breeder" does not include a person:

111 (A) who produces no more than one litter per calendar year, where there is only one
112 person breeding dogs from the facility or private residence; or

113 (B) who breeds exclusively livestock guardian dogs as defined in Section 76-6-111, or
114 dogs raised to work on a farm or ranch.

115 (k) "Facility" means a location other than a private residence.

116 ~~(e)~~ (l) "Legal privilege" means an act that:

117 (i) is authorized by state law, including Division of Wildlife Resources rules; and

118 (ii) is not in violation of a local ordinance.

150 (d) causes any animal, not including a dog or game fowl, to fight with another animal
151 of like kind for amusement or gain; or

152 (e) causes any animal, including a dog or game fowl, to fight with a different kind of
153 animal or creature for amusement or gain.

154 (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

155 (a) a class B misdemeanor if committed intentionally or knowingly; and

156 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

157 (4) A person is guilty of aggravated cruelty to an animal if the person:

158 (a) tortures an animal;

159 (b) administers, or causes to be administered, poison or a poisonous substance to an
160 animal; or

161 (c) kills an animal or causes an animal to be killed without having a legal privilege to
162 do so.

163 (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of
164 Subsection (4) is:

165 (a) a class A misdemeanor if committed intentionally or knowingly;

166 (b) a class B misdemeanor if committed recklessly; and

167 (c) a class C misdemeanor if committed with criminal negligence.

168 (6) A person is guilty of a third degree felony if the person intentionally or knowingly
169 tortures a companion animal.

170 (7) (a) A dog breeder or animal care facility:

171 (i) shall ensure that a pregnant dog receives reasonable veterinary care, including at
172 least one prenatal or postpartum visit with a licensed veterinarian;

173 (ii) shall keep records documenting the health, ~~H~~→ [behavioral issues] dangerous

173a behaviors ~~←H~~ , and medical care for

174 an animal in the dog breeder's or animal care facility's possession;

175 (iii) shall ensure that no female dog produces more than one litter in any twelve-month

176 period ~~H~~→ [;] , unless a licensed veterinarian has examined the female dog and has

176a determined that it is safe to produce more than one litter in a twelve-month period; ~~←H~~

177 (iv) may not violate Subsection (2); and

178 (v) shall take adequate measures, including vaccination and sanitation, to prevent the
179 spread of canine disease.

180 (b) A dog breeder or animal care facility may not sell a dog that is under eight weeks of