

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: _____

LONG TITLE

General Description:

This bill requires the Department of Agriculture and Food to regulate commercial dog breeders and animal care facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the Department of Agriculture and Food to establish a permit system for commercial dog breeders;
- ▶ requires the permit system to include minimum standards for dog breeding facilities and the humane care of dogs;
- ▶ authorizes the department to adopt a fee schedule for the permit system to cover administrative costs;
- ▶ allows the department to enter and inspect a permittee's facilities;
- ▶ requires the department to promote the spaying and neutering of dogs;
- ▶ requires a person who breeds dogs for profit to possess a valid dog breeder permit issued by the department;
- ▶ directs the department to establish a licensing program for animal care facilities;
- ▶ requires the license program to include minimum standards for animal care



26 facilities;

27 ▶ authorizes the department to adopt a fee schedule for the license program;

28 ▶ allows the department to enter and inspect a licensee's facilities; and

29 ▶ authorizes the department to impose civil penalties on a person who violates

30 requirements of the dog breeding permit system or animal care facilities licensing

31 program.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides a special effective date.

36 **Utah Code Sections Affected:**

37 ENACTS:

38 4-2-901, Utah Code Annotated 1953

39 4-2-902, Utah Code Annotated 1953

40 4-2-903, Utah Code Annotated 1953

41 4-2-904, Utah Code Annotated 1953



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

44 Section 1. Section 4-2-901 is enacted to read:

45 **Part 9. Pet Animal Care**

46 **4-2-901. Definitions.**

47 As used in this part:

48 (1) "Animal care facility" means an animal rescue, animal sanctuary, or animal shelter.

49 (2) "Animal rescue" means a person licensed under this part that:

50 (a) accepts a companion animal for the purpose of finding a permanent home for that
51 animal;

52 (b) does not maintain a central facility for keeping the companion animal; and

53 (c) uses a system of fostering the companion animal in a private home or boarding
54 facility.

55 (3) "Animal sanctuary" means a nonprofit entity, other than a government entity, that:

56 (a) harbors companion animals; and

57 (b) is used exclusively for the purpose of caring for, rehabilitating, or housing
58 companion animals indefinitely.

59 (4) (a) "Animal shelter" means a public or private facility for the impoundment or care
60 of companion animals that is operated by a:

61 (i) person;

62 (ii) humane society;

63 (iii) society for the prevention of cruelty to animals; or

64 (iv) nonprofit organization.

65 (b) "Animal shelter" does not include an animal rescue.

66 (5) "Applicant" means a person that submits to the department an application:

67 (a) for a new permit or a new license; or

68 (b) to renew an existing permit or license.

69 (6) "Boarding facility" means a facility where a companion animal is kept for the
70 purpose of caring for the companion animal.

71 (7) "Companion animal" means a domestic dog or domestic cat.

72 (8) (a) "Companion animal holding facility" means an enclosure that:

73 (i) is used to accept companion animals for the purpose of finding adoptive homes for
74 the companion animals;

75 (ii) harbors companion animals; or

76 (iii) is used for the purpose of caring for, rehabilitating, or housing companion animals
77 indefinitely.

78 (b) "Companion animal holding facility" does not include a dog breeding facility.

79 (9) "Dog breeder" means a person who breeds dogs for the purpose of selling, trading,
80 bartering, or otherwise transferring dogs to another person for profit.

81 (10) "Dog breeding facility" means a facility where a dog breeder keeps dogs to be bred
82 for the purpose of selling, trading, bartering, or otherwise transferring dogs to another person
83 for profit.

84 (11) "Facility" means a location other than a private residence.

85 (12) "License" means a valid license issued to an animal care facility by the department
86 under Section [4-2-903](#).

87 (13) "Licensee" means a person or facility that has an active and valid license issued by

88 the department under this part.

89 (14) "Local government" means a county, city, town, or metro township.

90 (15) "Permit" means a valid permit issued to a dog breeder by the department under
91 Section 4-2-902.

92 (16) "Permittee" means a dog breeder that has an active and valid permit issued by the
93 department under this part.

94 Section 2. Section 4-2-902 is enacted to read:

95 **4-2-902. Dog breeder permit system.**

96 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
97 consistent with this part, the department shall make rules establishing a dog breeder permit
98 system, that include:

99 (a) minimum standards for:

100 (i) dog breeding facilities, including sanitation, ventilation, heating, cooling, humidity,
101 spatial, and enclosure requirements; and

102 (ii) the humane care of dogs, including nutrition and medical treatment requirements;
103 and

104 (b) processes to apply for, receive, and renew a permit.

105 (2) (a) Beginning July 1, 2024, a person may not function as a dog breeder unless the
106 person has a valid permit issued by the department under this section.

107 (b) As provided in Subsection 4-2-103(2), and in accordance with Section 63J-1-504,
108 the department shall adopt a schedule of permit fees to cover the department's costs of
109 administering the permit system described in this section.

110 (c) The department shall retain fees collected in connection with the permit system as
111 dedicated credits and shall use the fees to administer the permit system.

112 (3) The permit system shall provide for the issuance of a permit to an applicant who:

113 (a) submits a completed application in the manner required by the department;

114 (b) satisfies the requirements established by the department under Subsection (1); and

115 (c) pays the fee described in Subsection (2).

116 (4) During normal business hours, the department may enter and inspect the facilities
117 specified on a permit application to ensure an applicant's or permittee's compliance with the
118 requirements of this section and rules made under this section.

119 (5) In carrying out the duties described in this section, the department shall promote the
120 spaying of female dogs and neutering of male dogs.

121 (6) A permit issued under this section:

122 (a) shall specify the permit issuance date and expiration date;

123 (b) is valid for a term of one year after the date of issuance;

124 (c) must be renewed annually; and

125 (d) is not transferable.

126 Section 3. Section **4-2-903** is enacted to read:

127 **4-2-903. Animal care facility licensing program.**

128 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
129 consistent with this part, the department shall make rules establishing a licensing and
130 inspection program for animal care facilities that include:

131 (a) minimum standards for:

132 (i) animal rescues, animal sanctuaries, and animal shelters, including sanitation,
133 ventilation, heating, cooling, humidity, spatial, and enclosure requirements; and

134 (ii) the humane care of companion animals, including nutrition and medication
135 treatment requirements; and

136 (b) processes to apply for, receive, and renew a license.

137 (2) (a) Beginning July 1, 2024, a person may not operate an animal care facility unless
138 the person has a valid license issued by the department under this section.

139 (b) As provided in Subsection [4-2-103\(2\)](#), and in accordance with Section [63J-1-504](#),
140 the department shall adopt a schedule of license fees to cover the department's costs of
141 administering the licensing program described in this section.

142 (c) The department shall retain fees collected in connection with the licensing program
143 as dedicated credits and shall use the fees to administer the licensing program.

144 (3) The licensing program shall provide for the issuance of a license to an applicant
145 who:

146 (a) submits a completed application in the manner required by the department;

147 (b) satisfies the criteria established by the department under Subsection (1); and

148 (c) pays the fee described in Subsection (2).

149 (4) During normal business hours, the department may enter and inspect the facilities

150 specified on a license application to ensure an applicant's or licensee's compliance with the
151 requirements of this section and rules made under this section.

152 (5) In carrying out the duties described in this section, the department shall promote the
153 spaying of female dogs and neutering of male dogs.

154 (6) A license issued under this section:

155 (a) shall specify the license issuance date and expiration date;

156 (b) is valid for a term of up to one year after the date of issuance;

157 (c) must be renewed annually; and

158 (d) is not transferable.

159 Section 4. Section **4-2-904** is enacted to read:

160 **4-2-904. Enforcement -- Penalties -- Local regulation.**

161 (1) (a) If the department determines that a person subject to this part violates a
162 provision of this part or a rule made under this part, the department shall provide the person
163 with written notice that:

164 (i) describes each violation identified by the department;

165 (ii) states a reasonable deadline by which the person is required to cure the violation;

166 and

167 (iii) explains the penalties that may be imposed if the person fails to cure the violation
168 by the stated deadline.

169 (b) If a person who receives a notice issued under Subsection (1)(a) does not cure a
170 violation identified in the notice before the deadline stated in the notice, the department may, in
171 addition to any applicable criminal penalty, after giving the person notice and an opportunity to
172 be heard regarding the alleged violations:

173 (i) impose a civil fine of up to \$1,000 per violation;

174 (ii) revoke the person's permit or license; or

175 (iii) decline to renew the person's permit or license.

176 (c) If a violation is not cured after the department provides a person with written notice
177 of the violation and a reasonable opportunity to cure, to prevent further violation the
178 department may:

179 (i) revoke the person's permit or license;

180 (ii) seek a temporary restraining order; or

181 (iii) seek an injunction.

182 (d) The notice under Subsection (1)(a) is not required for repeated occurrences of the
183 same violation.

184 (e) The department shall deposit a civil fine imposed under this section into the
185 General Fund.

186 (2) If the department determines that a person subject to this part violates a provision
187 of this part or a rule adopted under this part and that the violation constitutes cruelty to an
188 animal or aggravated cruelty to an animal as described in Section [76-9-301](#), the department
189 may, in addition to the remedy described in Subsection (1):

190 (a) upon proper grounds, immediately seek a temporary restraining order to prevent
191 further violation;

192 (b) seek an order of seizure or condemnation for an animal that is the subject of the
193 violation; or

194 (c) report the circumstances to law enforcement or a prosecutor.

195 (3) A local government:

196 (a) may require a dog breeder to obtain and maintain a business license authorized
197 under Section [10-1-203](#) or [17-53-216](#) as applicable; and

198 (b) may not impose or implement an ordinance or regulation that is more restrictive
199 than this section or rules made under this part.

200 (4) This section does not:

201 (a) impair a local government's ability to provide, by ordinance, a regulation that is no
202 more restrictive than this section or rules made under this part, including creating a permitting
203 system for dog breeders and licensing requirements for animal care facilities; and

204 (b) affect a local government's ability to impose requirements or conditions of the local
205 government's land use, zoning, subdivision, or building code regulations, including setting
206 limits on pet ownership.

207 Section 5. **Effective date.**

208 This bill takes effect on July 1, 2023.