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WILDLIFE HUNTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Curtis S. Bramble

2

3 LONG TITLE

4 General Description:

5 This bill modifies provisions related to big game.

6 Highlighted Provisions:

7 This bill:

- 8 ▶ moves definitions to the provision applicable to a chapter;
- 9 ▶ addresses what is sufficient wearing of hunter orange while hunting big game, with
10 exceptions;

11 ▶ grants the director of the Division of Wildlife Resources authority related to the wearing
12 of hunter orange by non-hunters;

13 ▶ addresses the commercial use of big game byproducts, including the payment of fees;
14 and

15 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

22 **23A-3-201**, as renumbered and amended by Laws of Utah 2023, Chapter 103

23 **23A-11-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103

24 **23A-11-205**, as renumbered and amended by Laws of Utah 2023, Chapter 103

25 ENACTS:

26 **23A-11-501**, as Utah Code Annotated 1953

27 **23A-11-502**, as Utah Code Annotated 1953

28 **23A-11-503**, as Utah Code Annotated 1953

29 **23A-11-504**, as Utah Code Annotated 1953

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

32 Section 1. Section **23A-3-201** is amended to read:

33 **23A-3-201 . Wildlife Resources Account -- Unexpected fund balances converted**
34 **to General Fund account.**

35 (1) There is created a restricted account within the General Fund known as the "Wildlife
36 Resources Account."

37 (2) The following money shall be deposited into the Wildlife Resources Account:

38 (a) revenue from the sale of licenses, permits, tags, and certificates of registration issued
39 under this title or a rule or proclamation of the Wildlife Board, except as otherwise
40 provided by this title;

41 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
42 property acquired with revenue specified in Subsection (2)(a);

43 (c) revenue from fines and forfeitures for violations of this title or a rule, proclamation,
44 or order of the Wildlife Board, minus court costs not to exceed the schedule adopted
45 by the Judicial Council;

46 (d) revenue deposited into the fund under Chapter 11, Part 5, Big Game Byproduct;

47 [(d)] (e) money appropriated from the General Fund by the Legislature pursuant to
48 Section 23A-4-306;

49 [(e)] (f) other money received by the division under this title, except as otherwise
50 provided by this title; and

51 [(f)] (g) interest, dividends, or other income earned on account money.

52 (3) Money in the Wildlife Resources Account shall be used for the administration of this
53 title.

54 (4) The state auditor and director of the Division of Finance shall, at the close of the fiscal
55 year, convert into the Wildlife Resources Account the unexpended balances of the
56 Wildlife Resources Account not legally obligated by contract or appropriated by the
57 Wildlife Board for capital outlay projects or other programs that may extend beyond the
58 close of the fiscal year.

59 Section 2. Section **23A-11-101** is amended to read:

60 **23A-11-101 . Definitions.**

61 As used in this chapter:

62 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn[, and
63 bison.].

64 (2) (a) "Big game byproduct" means those parts of the carcass of a lawfully taken big
65 game animal that are listed in Subsections (2)(a)(i) through (ix):

- 66 (i) bones with less than 1/2 inch of attached muscle tissue;
- 67 (ii) fat, tendons, ligaments, cartilage, and silverskin with less than 1/2 inch attached
muscle tissue;
- 69 (iii) muscle tissue damaged by wound channels and within one inch of damaged
tissue;
- 71 (iv) head;
- 72 (v) rib and neck meat on deer, pronghorn, mountain goat, and bighorn sheep;
- 73 (vi) antlers and horns;
- 74 (vii) legs below the knee and hock;
- 75 (viii) internal organs; and
- 76 (ix) hide.

77 (b) Notwithstanding Subsection (2)(a), "big game byproduct" does not include:

- 78 (i) brain or brain tissue;
- 79 (ii) spine or any part of the spinal column;
- 80 (iii) any portion of the carcass of an animal testing positive for chronic wasting
disease;
- 82 (iv) any carcass or portion of a carcass that otherwise fails to meet local, state, or
federal regulations governing processing, sale, or distribution of wild game; and
- 84 (v) spoiled product.

85 (3) (a) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
86 except as provided in Subsection (3)(b).

87 (b) "Centerfire rifle hunt" does not include:

- 88 (i) a bighorn sheep hunt;
- 89 (ii) a mountain goat hunt;
- 90 (iii) a bison hunt;
- 91 (iv) a moose hunt;
- 92 (v) a hunt requiring the hunter to possess a statewide conservation permit; or
- 93 (vi) a hunt requiring the hunter to possess a statewide sportsman permit.

94 [(2)] (4) "Cultivated crops" means:

- 95 (a) annual or perennial crops harvested from or on cleared and planted land;

- 96 (b) perennial orchard trees on cleared and planted land;
97 (c) crop residues that have forage value for livestock; and
98 (d) pastures.

99 (5) "Financial advantage" means an act through which a person in lawful possession of a
100 protected wildlife carcass uses or disposes of that carcass or carcass parts in a
101 transaction for which the person receives consideration or expects to recover associated
102 costs.

103 [~~(3)~~] (6) "Management unit" means a prescribed area of contiguous land designated by the
104 division for the purpose of managing a species of big game animal.

105 [~~(4)~~] (7) "Predator" means a cougar, bear, or coyote.

106 (8) "Spoiled product" means any portion of a protected wildlife carcass that is not fit for
107 human or animal consumption due to the presence of parasites, pathogens, or rot.

108 (9) "Statewide conservation permit" means a permit:

- 109 (a) issued by the division;
- 110 (b) distributed through a nonprofit organization founded for the purpose of promoting
111 wildlife conservation; and
- 112 (c) valid:
- 113 (i) on open hunting units statewide; and
- 114 (ii) for the species of big game and time period designated by the Wildlife Board.

115 (10) "Statewide sportsman permit" means a permit:

- 116 (a) issued by the division through a public draw; and
- 117 (b) valid:
- 118 (i) on open hunting units statewide; and
- 119 (ii) for the species of big game and time period designated by the Wildlife Board.

120 Section 3. Section **23A-11-205** is amended to read:

121 **23A-11-205 . Requirement to wear hunter orange -- Exceptions -- Nonhunters.**

122 [~~(1)~~ As used in this section:]

123 [(a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
124 except as provided in Subsection (1)(a)(ii).]

125 [(ii) "Centerfire rifle hunt" does not include:]

126 [(A) a bighorn sheep hunt;]

127 [(B) a mountain goat hunt;]

128 [(C) a bison hunt;]

129 [(D) a moose hunt;]

130 [(E) a hunt requiring the hunter to possess a statewide conservation permit; or]
131 [(F) a hunt requiring the hunter to possess a statewide sportsman permit.]

132 [(b) "Statewide conservation permit" means a permit:
133 [(i) issued by the division;]
134 [(ii) distributed through a nonprofit organization founded for the purpose of promoting
135 wildlife conservation; and]
136 [(iii) valid:
137 [(A) on open hunting units statewide; and]
138 [(B) for the species of big game and time period designated by the Wildlife Board.]

139 [(e) "Statewide sportsman permit" means a permit:
140 [(i) issued by the division through a public draw; and]
141 [(ii) valid:
142 [(A) on open hunting units statewide; and]
143 [(B) for the species of big game and time period designated by the Wildlife Board.]

144 [(2) (a) A person]
145 (1) An individual while hunting a species of big game shall wear[a minimum of 400
146 square inches of hunter orange material while hunting a species of big game] , on the
147 exterior so the item can be seen, one or more of the following items that are primarily
148 hunter orange material, except as provided in Subsection [(3).] (2):
149 (a) a hat;
150 (b) a shirt;
151 (c) a jacket;
152 (d) a coat;
153 (e) a vest; or
154 (f) a sweater.
155 [(b) A person shall wear hunter orange material on the head, chest, and back.]

156 [(3) A person]
157 (2) An individual is not required to wear [the] a hunter orange [material] item described in
158 Subsection [(2)] (1):
159 (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the
160 same area:
161 (i) archery;
162 (ii) muzzle-loader;
163 (iii) mountain goat;

Section 4. Section **23A-11-501** is enacted to read:

Part 5. Big Game Byproduct

23A-11-501 . Definitions.

As used in this part, "fee year" means a one-year period beginning on April 1 and ending on March 31 of the following year.

Section 5. Section **23A-11-502** is enacted to read:

23A-11-502 . Big game byproduct -- Certificate of registration.

- 185 (1) (a) Except as provided in Subsection (1)(f), a person shall obtain a certificate of
186 registration from the division to purchase, acquire, sell, barter, exchange, or trade big
187 game byproduct for financial advantage.

188 (b) To obtain a certificate of registration authorizing the purchase, sale, barter, or trade
189 of big game byproduct for financial advantage, the applicant shall:

190 (i) operate a licensed meat processing business in compliance with state and local
191 government wild game processing laws; and

192 (ii) (A) provide proof of engagement in the sale of big game byproduct before July
193 1, 2023, and have processed 500 big game animals in three out of the five
194 consecutive calendar years preceding application; or

195 (B) have processed 800 big game animals in three out of the five consecutive
196 calendar years preceding application.

- 197 (c) A person receiving a certificate of registration under this section shall:
- 198 (i) post signage in a conspicuous location of the person's business indicating the
199 person's involvement in the program regulated by this section;
- 200 (ii) test incoming deer, elk, and moose carcasses from the following areas for chronic
201 wasting disease:
- 202 (A) a state or province, other than Utah, where chronic wasting disease has been
203 detected in big game; or
- 204 (B) a management unit within the state that the division has designated as endemic
205 for chronic wasting disease;
- 206 (iii) subject to Subsection (1)(d), receive a negative test result for chronic wasting
207 disease before selling, bartering, exchanging, or trading big game byproduct from
208 tested carcasses to another person;
- 209 (iv) be subject to reasonable inspections of facilities that process or sell, barter,
210 exchange, or trade big game byproduct and relevant records;
- 211 (v) record and upon request of the division, provide the following for a big game
212 animal received:
- 213 (A) permit holder's name;
- 214 (B) permit holder's phone number;
- 215 (C) state or province for which the permit was issued;
- 216 (D) permit number;
- 217 (E) date animal was received by the processing facility;
- 218 (F) species associated with the permit;
- 219 (G) total weight of carcass, in pounds, upon arrival at the processing facility;
- 220 (H) weight of product, in pounds, returned to the hunter; and
- 221 (I) the date the certificate of registration holder submits a deer, elk, or moose
222 carcass for testing for chronic wasting disease;
- 223 (vi) retain records detailed in Subsection (1)(c)(v) for two years;
- 224 (vii) report to the division the total number of pounds of big game byproduct sold,
225 bartered, exchanged, or traded each fee year on or before the April 15 immediately
226 following the last day of that fee year; and
- 227 (viii) at the time the certificate of registration holder submits the report under
228 Subsection (1)(c)(vii), pay a big game byproduct fee in accordance with Section
229 23A-11-503.
- 230 (d) Notwithstanding Subsection (1)(c)(iii), a certificate of registration holder may sell,

231 barter, exchange, or trade big game byproducts if the big game byproduct is:

232 (i) not required to be tested under this section; or

233 (ii) required to be tested under this section but a lab result is not provided to the

234 certificate of registration holder within six months from the date the test sample

235 was submitted.

236 (e) (i) The certificate of registration holder is responsible for the costs associated with

237 laboratory testing for chronic wasting disease of deer, elk, and moose carcasses

238 from out-of-state hunters, except that the certificate of registration holder may

239 pass the cost of testing to the out-of-state hunter that provides the big game

240 byproduct.

241 (ii) The division is responsible for the costs associated with laboratory testing for

242 chronic wasting disease for deer, elk, and moose carcasses from hunters within the

243 state, with the costs being paid from the big game byproduct fee collected under

244 this part.

245 (f) A person may purchase, acquire, sell, barter, exchange, or trade big game byproduct

246 for financial advantage without a certificate of registration, provided the big game

247 byproduct is:

248 (i) processed and individually packaged for the big game byproduct's intended end

249 use when purchased, acquired, sold, bartered, exchanged, or traded; or

250 (ii) otherwise authorized for purchase, sale, offer or possessed for sale, barter,

251 exchange, or trade by statute or administrative rule.

252 (2) Except as otherwise authorized in this title, rule, or proclamation, a person may not in

253 violation of Section 23A-5-304, purchase, sell, barter, exchange, or trade any other

254 species of lawfully taken protected wildlife or wildlife parts for financial advantage.

255 (3) A certificate of registration holder agrees to abide by applicable state and federal laws.

256 (4) For a carcass testing positive for chronic wasting disease under Subsection (1)(c) and

257 that is surrendered to the division by the hunter, the person named on the certificate of

258 registration under this section may donate unclaimed processed wildlife to the client that

259 is reasonably equivalent in value to the product surrendered to the division.

260 Section 6. Section **23A-11-503** is enacted to read:

261 **23A-11-503 . Big game byproduct fee rate -- Deposit of revenue -- Penalty for**

262 **failure to pay.**

263 (1) A person shall pay for each fee year, a big game byproduct fee of six cents multiplied

264 by the total number of pounds of big game byproduct sold, bartered, exchanged, or

265 traded under authority of a certificate of registration issued by the division under Section
266 23A-11-502.

267 (2) A big game byproduct fee payment is due on the April 15 immediately following the
268 last day of a fee year.

269 (3) The division shall deposit revenue generated by the big game byproduct fee into the
270 Wildlife Resources Account created in Section 23A-3-201.

271 (4) (a) Subject to Subsection (4)(b), the division may suspend a person's certificate of
272 registration if the person fails to pay a big game byproduct fee under this part.
273 (b) Upon notification of non-payment by the division, the certificate of registration
274 holder has 10 business days to pay the past due big game byproduct fee before the
275 division may suspend the certificate of registration.

276 Section 7. Section **23A-11-504** is enacted to read:

277 **23A-11-504 . Rulemaking.**

278 The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah
279 Administrative Rulemaking Act, to enforce and administer this part.

280 Section 8. **Effective date.**

281 This bill takes effect on May 1, 2024.