

## HB0222S02 compared with HB0222

~~text~~ shows text that was in HB0222 but was deleted in HB0222S02.

text shows text that was not in HB0222 but was inserted into HB0222S02.

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Representative Stephanie Gricius proposes the following substitute bill:

### WILDLIFE HUNTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: ~~\_\_\_\_\_~~ Scott D. Sandall

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#### LONG TITLE

##### General Description:

This bill modifies provisions related to ~~wearing hunter orange~~ big game.

##### Highlighted Provisions:

This bill:

- ▶ moves definitions to the provision applicable to a chapter;
- ▶ addresses what is sufficient wearing of hunter orange while hunting big game;
- ▶ grants the director of the Division of Wildlife Resources authority related to the wearing of hunter orange by non-hunters;
- ▶ addresses the commercial use of big game byproducts, including the payment of royalties; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

[23A-3-201, as renumbered and amended by Laws of Utah 2023, Chapter 103](#)

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

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

ENACTS:

[23A-11-303, Utah Code Annotated 1953](#)

[59-31-101, Utah Code Annotated 1953](#)

[59-31-102, Utah Code Annotated 1953](#)

[59-31-103, Utah Code Annotated 1953](#)

[59-31-201, Utah Code Annotated 1953](#)

[59-31-202, Utah Code Annotated 1953](#)

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

[Section 1. Section 23A-3-201 is amended to read:](#)

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

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

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

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

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

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

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### (d) revenue deposited into the fund under Title 59, Chapter 31, Big Game Byproduct

#### Royalty:

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

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

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

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

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

Section ~~{+}~~2. Section **23A-11-101** is amended to read:

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

As used in this chapter:

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

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

(i) bones with less than 1/2 inch of attached muscle tissue;

(ii) fat, tendons, ligaments, cartilage, and silverskin with less than 1/2 inch attached muscle tissue;

(iii) muscle tissue damaged by wound channels and within one inch of damaged tissue;

(iv) head;

(v) rib and neck meat on deer, pronghorn, mountain goat, and bighorn sheep;

(vi) antlers and horns;

(vii) legs below the knee and hock;

(viii) internal organs; and

(ix) hide.

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

(i) brain or brain tissue;

(ii) spine or any part of the spinal column;

(iii) any portion of the carcass of an animal testing positive for chronic wasting disease;

(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

(v) spoiled product.

(~~2~~3) (a) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle, except as provided in Subsection (~~2~~3)(b).

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

(i) a bighorn sheep hunt;

(ii) a mountain goat hunt;

(iii) a bison hunt;

(iv) a moose hunt;

(v) a hunt requiring the hunter to possess a statewide conservation permit; or

(vi) a hunt requiring the hunter to possess a statewide sportsman permit.

(~~2~~) (~~3~~4) "Cultivated crops" means:

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

(b) perennial orchard trees on cleared and planted land;

(c) crop residues that have forage value for livestock; and

(d) pastures.

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

(~~3~~) (~~4~~6) "Management unit" means a prescribed area of contiguous land designated by the division for the purpose of managing a species of big game animal.

(~~4~~) (~~5~~7) "Predator" means a cougar, bear, or coyote.

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

(~~6~~9) "Statewide conservation permit" means a permit:

(a) issued by the division;

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(b) distributed through a nonprofit organization founded for the purpose of promoting wildlife conservation; and

(c) valid:

(i) on open hunting units statewide; and

(ii) for the species of big game and time period designated by the Wildlife Board.

(~~7~~10) "Statewide sportsman permit" means a permit:

(a) issued by the division through a public draw; and

(b) valid:

(i) on open hunting units statewide; and

(ii) for the species of big game and time period designated by the Wildlife Board.

Section ~~{2}~~3. Section 23A-11-205 is amended to read:

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

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

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

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

~~[(A) a bighorn sheep hunt;]~~

~~[(B) a mountain goat hunt;]~~

~~[(C) a bison hunt;]~~

~~[(D) a moose hunt;]~~

~~[(E) a hunt requiring the hunter to possess a statewide conservation permit; or]~~

~~[(F) a hunt requiring the hunter to possess a statewide sportsman permit.]~~

~~[(b) "Statewide conservation permit" means a permit:]~~

~~[(i) issued by the division;]~~

~~[(ii) distributed through a nonprofit organization founded for the purpose of promoting wildlife conservation; and]~~

~~[(iii) valid:]~~

~~[(A) on open hunting units statewide; and]~~

~~[(B) for the species of big game and time period designated by the Wildlife Board.]~~

~~[(c) "Statewide sportsman permit" means a permit:]~~

~~[(i) issued by the division through a public draw; and]~~

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~~[(ii) valid:]~~

~~[(A) on open hunting units statewide; and]~~

~~[(B) for the species of big game and time period designated by the Wildlife Board.]~~

~~[(2) (a) A person]~~

(1) An individual while hunting a species of big game shall wear [a minimum of 400 square inches of hunter orange material while hunting a species of big game], on the exterior so the item can be seen, one or more of the following items that are primarily hunter orange material, except as provided in Subsection [(3):] (2):

(a) a hat;

(b) a shirt;

(c) a jacket;

(d) a coat;

(e) a vest; or

(f) a sweater.

~~[(b) A person shall wear hunter orange material on the head, chest, and back.]~~

~~[(3) A person]~~

(2) An individual is not required to wear [the] a hunter orange [material] item described in Subsection [(2)] (1):

(a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the same area:

(i) archery;

(ii) muzzle-loader;

(iii) mountain goat;

(iv) bighorn sheep;

(v) bison; or

(vi) moose; or

(b) as provided by a rule of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) (a) The director may regulate the wearing of hunter orange by an individual who is:

~~(a) i~~ not hunting, such as a hiker, camper, or other recreational user; and

~~(b) ii~~ accessing a wildlife management area while a centerfire rifle hunt for big game

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is in progress on the wildlife management area.

(b) Notwithstanding Subsection (3)(a), the director may not regulate the wearing of hunter orange under this Subsection (3) by a landowner owning land inside a wildlife management area or by the landowner's immediate family members.

(4) An individual engaged in agriculture activities is not subject to the requirements to wear hunter orange under this section.

Section 4. Section 23A-11-303 is enacted to read:

### 23A-11-303. Big game byproduct.

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

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

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

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

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

(c) A person receiving a certificate of registration under this section shall:

(i) post signage in a conspicuous location of the person's business indicating the person's involvement in the program regulated by this section;

(ii) test incoming deer, elk, and moose carcasses from the following areas for chronic wasting disease:

(A) a state or province, other than Utah, where chronic wasting disease has been detected in big game; or

(B) a management unit within the state that the division has designated as endemic for chronic wasting disease;

(iii) subject to Subsection (1)(d), receive a negative test result for chronic wasting disease before selling, bartering, exchanging, or trading big game byproduct from tested

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carcasses to another person;

(iv) be subject to reasonable inspections of facilities that process or sell, barter, exchange, or trade big game byproduct and relevant records;

(v) record and upon request of the division, provide the following for a big game animal received:

(A) permit holder's name;

(B) permit holder's phone number;

(C) state for which the permit was issued;

(D) permit number;

(E) date animal was received by the processing facility;

(F) species associated with the permit;

(G) total weight of carcass, in pounds, upon arrival at the processing facility;

(H) weight of product, in pounds, returned to the hunter; and

(I) the date the certificate of registration holder submits a deer, elk, or moose carcass for testing for chronic wasting disease;

(vi) retain records detailed in Subsection (1)(c)(v) for two years;

(vii) report to the division the total number of pounds of big game byproduct sold, bartered, exchanged, or traded each tax year on or before the April 15 immediately following the last day of that tax year; and

(viii) pay a royalty on the total number of pounds of big game byproduct sold, bartered, exchanged, or traded each calendar year, as prescribed in Title 59, Chapter 31, Big Game Byproduct Royalty.

(d) Notwithstanding Subsection (1)(c)(iii), a certificate of registration holder may sell, barter, exchange, or trade big game byproducts if the big game byproduct is:

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

(ii) required to be tested under this section but a lab result is not provided to the certificate of registration holder within six months from the date the test sample was submitted.

(e) (i) The certificate of registration holder is responsible for the costs associated with laboratory testing for chronic wasting disease of deer, elk, and moose carcasses from out-of-state hunters, except that the certificate of registration holder may pass the cost of testing to the out-of-state hunter that provides the big game byproduct.



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(ii) The division is responsible for the costs associated with laboratory testing for chronic wasting disease for deer, elk, and moose carcasses from hunters within the state, with the costs being paid from the royalty revenue collected under Title 59, Chapter 31, Big Game Byproduct Royalty.

(f) A person may purchase, acquire, sell, barter, exchange, or trade big game byproduct for financial advantage without a certificate of registration, provided the big game byproduct is:

(i) (A) processed and individually packaged for the big game byproduct's intended end use when purchased, acquired, sold, bartered, exchanged, or traded; or

(ii) otherwise authorized for purchase, sale, offer or possessed for sale, barter, exchange, or trade by statute or administrative rule.

(2) Except as otherwise authorized in this title, rule, or proclamation, a person may not in violation of Section 23A-5-304, purchase, sell, barter, exchange, or trade any other species of lawfully taken protected wildlife or wildlife parts for financial advantage.

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

(4) For a carcass testing positive for chronic wasting disease under Subsection (1)(c) and that is surrendered to the division by the hunter, the person named on the certificate of registration under this section may donate unclaimed processed wildlife to the client that is reasonably equivalent in value to the product surrendered to the division.

(5) The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce and administer this section.

Section 5. Section 59-31-101 is enacted to read:

### **CHAPTER 31. BIG GAME BYPRODUCT ROYALTY**

#### **Part 1. General Provisions**

##### **59-31-101. Definitions.**

As used in this chapter:

(1) "Big game byproduct" means the same as that term is defined in Section 23A-11-101.

(2) "Tax year" means a one-year period beginning on April 1 and ending on March 31 of the following year.

Section 6. Section 59-31-102 is enacted to read:

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### **59-31-102. Rulemaking.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to implement and enforce this chapter.

Section 7. Section 59-31-103 is enacted to read:

### **59-31-103. Penalties.**

A person who sells, barter, exchanges, or trades big game byproduct under Section 23A-11-303 and fails to comply with this chapter is subject to penalties and interest as provided in Sections 59-1-401 and 59-1-402.

Section 8. Section 59-31-201 is enacted to read:

### **Part 2. Big Game Byproduct Royalty Payments**

**59-31-201. Big game byproduct royalty -- Royalty rate -- Commission to prepare billing statement -- Deposit of revenue.**

(1) A person shall pay for each tax year, a royalty of six cents multiplied by the total number of pounds of big game byproduct sold, bartered, exchanged, or traded under authority of a certificate of registration issued by the Division of Wildlife Resources under Section 23A-11-303.

(2) (a) A person that holds a certificate of registration to sell, barter, exchange, or trade big game byproduct under Section 23A-11-303 shall report to the Division of Wildlife Resources the total number of pounds of big game byproduct sold, bartered, exchanged, or traded by that person for that tax year on or before the April 15 immediately following the last day of that tax year.

(b) The Division of Wildlife Resources shall provide the Department of Natural Resources each tax year the data received under Subsection (2)(a).

(c) The Department of Natural Resources shall provide the following information to the commission on or before the May 1 immediately following the last day of a tax year:

(i) the total number of pounds of big game byproduct sold, bartered, exchanged, or traded that tax year under a certificate of registration; and

(ii) for each person that sold, bartered, exchanged, or traded big game byproduct under a certificate of registration for that tax year:

(A) the total number of pounds of big game byproduct sold, bartered, exchanged, or traded by that person for that tax year; and

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(B) a current billing address for that person; and

(iii) any additional information required by the commission.

(3) (a) The commission shall prepare and mail a billing statement to each person that sold, bartered, exchanged, or traded big game byproduct in a tax year by May 30 immediately following the last day of a tax year.

(b) The billing statement under Subsection (3)(a) shall specify:

(i) the total number of pounds of big game byproduct reported sold, bartered, exchanged, or traded by that person for that tax year;

(ii) the big game byproduct royalty that the person owes; and

(iii) the date that the big game byproduct royalty payment is due, as provided in Section 59-31-202.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules prescribing the information required under Subsection (2)(c)(iii).

(4) The commission shall deposit revenue generated by the big game byproduct royalty into the Wildlife Resources Account created in Section 23A-3-201.

Section 9. Section 59-31-202 is enacted to read:

### 59-31-202. Payment of royalty.

(1) A person who sells, barter, exchanges, or trades big game byproduct shall pay a big game byproduct royalty pursuant to this chapter.

(2) A person paying a big game byproduct royalty shall include with the royalty payment the billing statement prepared by the commission in accordance with Section 59-31-201.

(3) A big game byproduct royalty payment is due on the June 30 immediately following the last day of the tax year.

Section ~~3~~10. Effective date.

This bill takes effect on May 1, 2024.