

HB0478S01 compared with HB0478

~~text~~ shows text that was in HB0478 but was deleted in HB0478S01.

text shows text that was not in HB0478 but was inserted into HB0478S01.

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Representative Norman K Thurston proposes the following substitute bill:

ANIMAL CARE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~Norman K Thurston~~

Senate Sponsor: ~~_____~~ Jen Plumb

LONG TITLE

General Description:

This bill addresses the care of animals.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes the Department of Agriculture and Food to impose civil penalties for certain violations;
- ▶ establishes requirements for animal care by an animal care facility ~~or a dog breeder~~;
- ▶ criminalizes a violation of the animal care requirements as an infraction; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

4-2-903, Utah Code Annotated 1953

76-9-301.9, Utah Code Annotated 1953

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

Section 1. Section **4-2-903** is enacted to read:

4-2-903. Animal care violations.

(1) "Animal care facility" means the same as that term is defined in Section 76-9-301.9.

~~{ (2) "Dog breeder" means the same as that term is defined in Section 76-9-301.9.~~

~~{ (3)2~~ The department may, in accordance with this section and as resources allow, respond to a complaint that ~~{ a dog breeder or }~~ an animal care facility has violated Subsection 76-9-301(2)(a) or Section 76-9-301.9.

~~{4}3~~ If the department determines that a person has violated Subsection 76-9-301(2)(a) or Section 76-9-301.9, the department may:

(a) impose a civil fine of up to ~~{ \$1,000 }~~ \$500 per violation;

(b) seek a temporary restraining order;

(c) seek an injunction;

(d) seek an order of seizure or condemnation for an animal that is the subject of the violation, if the department has identified a suitable animal care facility that accepts custody of the animal; or

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

~~{5}4~~ An action by the department under Subsection (4)3 may precede and does not preclude a criminal penalty or criminal prosecution under Section 76-9-301 or 76-9-301.9.

~~{6}5~~ The department shall deposit a fine imposed under Subsection (4)3 into the General Fund as a dedicated credit to be used by the department for enforcement of this section.

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Section 2. Section 76-9-301.9 is enacted to read:

76-9-301.9. Animal care facilities ~~and breeders~~-- Definitions -- Penalty.

(1) As used in this section:

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

(b) "Animal rescue" means a person that:

(i) accepts companion animals for the purpose of finding a permanent home for each companion animal;

(ii) does not maintain a central facility for keeping companion animals; and

(iii) uses a system of temporarily fostering the companion animals in a private residence or boarding facility.

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

(i) harbors companion animals; and

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

(d) (i) "Animal shelter" means a person that operates a facility for the impoundment or care of companion animals.

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

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

(f) "Companion animal" means an animal that is a domestic dog or a domestic cat.

~~(g) (i) "Dog breeder" means a person that breeds dogs for the primary or express purpose of selling, trading, bartering, or otherwise transferring dogs to another person for profit.~~

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

~~(A) produces no more than one litter per calendar year;~~

~~(B) breeds only livestock guardian dogs as defined in Section 76-6-111; or~~

~~(C) breeds only dogs raised to work on a farm or ranch.~~

~~(h) (g) "Facility" means a location other than a private residence.~~

(2) For a dog in ~~a dog breeder's or~~ an animal care facility's possession, the ~~dog breeder or~~ animal care facility shall ensure that:

(a) a pregnant dog receives at least one prenatal or postpartum visit with a licensed

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veterinarian;

(b) a female dog does not produce more than one litter in any twelve-month period, unless a licensed veterinarian has examined the female dog and has determined that it is safe for the dog to produce more than one litter in a twelve-month period; and

(c) a dog under eight weeks of age or a dog not properly weaned is not sold.

(3) An animal care facility shall keep records:

(a) identifying, to the best of the animal care facility's knowledge, an animal's owner at the time the animal care facility acquires the animal; and

(b) documenting dangerous behaviors, if any, health conditions, and medical care for an animal in the ~~{dog breeder's or }~~ animal care facility's possession.

(4) (a) ~~{A dog breeder's or an }~~ An animal care facility's violation of a requirement described in this section is an infraction subject to a fine of \$750.

(b) A prosecution under this section does not preclude a prosecution for any other criminal offense.

(5) It is a defense to the penalty imposed under this section that the conduct of the actor toward the animal was:

(a) by a licensed veterinarian using accepted veterinary practice;

(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;

(c) permitted under Section 18-1-3;

(d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or

(e) by a person who humanely destroys any apparently abandoned animal found on the person's property.

(6) This section does not prohibit the use of animals in lawful training.

(7) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement or the Department of Agriculture and Food in accordance with Section 4-2-903 may not be held civilly liable for making the report.

Section 3. Effective date.

This bill takes effect on May 1, 2024.

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