

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

LONG TITLE

General Description:

This bill modifies provisions related to 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, with exceptions;
- ▶ 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 fees; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 23A-3-201, as renumbered and amended by Laws of Utah 2023, Chapter 103
27 23A-11-101, as renumbered and amended by Laws of Utah 2023, Chapter 103
28 23A-11-205, as renumbered and amended by Laws of Utah 2023, Chapter 103

29 ENACTS:

30 23A-11-501, Utah Code Annotated 1953
31 23A-11-502, Utah Code Annotated 1953
32 23A-11-503, Utah Code Annotated 1953
33 23A-11-504, Utah Code Annotated 1953



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

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

37 **23A-3-201. Wildlife Resources Account -- Unexpected fund balances converted to**
38 **General Fund account.**

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

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

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

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

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

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

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

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

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

56 (3) Money in the Wildlife Resources Account shall be used for the administration of

57 this title.

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

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

64 **23A-11-101. Definitions.**

65 As used in this chapter:

66 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn[;
67 ~~and bison.~~]

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

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

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

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

74 (iv) head;

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

76 (vi) antlers and horns;

77 (vii) legs below the knee and hock;

78 (viii) internal organs; and

79 (ix) hide.

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

81 (i) brain or brain tissue;

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

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

84 (iv) any carcass or portion of a carcass that otherwise fails to meet local, state, or
85 federal regulations governing processing, sale, or distribution of wild game; and

86 (v) spoiled product.

87 (3) (a) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire

88 rifle, except as provided in Subsection (3)(b).

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

90 (i) a bighorn sheep hunt;

91 (ii) a mountain goat hunt;

92 (iii) a bison hunt;

93 (iv) a moose hunt;

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

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

96 [~~(2)~~] (4) "Cultivated crops" means:

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

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

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

100 (d) pastures.

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

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

106 [~~(4)~~] (7) "Predator" means a cougar, bear, or coyote.

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

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

110 (a) issued by the division;

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

113 (c) valid:

114 (i) on open hunting units statewide; and

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

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

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

118 (b) valid:

- 119 (i) on open hunting units statewide; and
- 120 (ii) for the species of big game and time period designated by the Wildlife Board.

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

122 **23A-11-205. Requirement to wear hunter orange -- Exceptions -- Nonhunters.**

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

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

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

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

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

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

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

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

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

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

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

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

137 [~~(iii) valid:~~]

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

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

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

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

142 [~~(ii) valid:~~]

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

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

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

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

150 (a) a hat;

151 (b) a shirt;

152 (c) a jacket;

153 (d) a coat;

154 (e) a vest; or

155 (f) a sweater.

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

157 [~~(3) A person~~]

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

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

162 (i) archery;

163 (ii) muzzle-loader;

164 (iii) mountain goat;

165 (iv) bighorn sheep;

166 (v) bison; or

167 (vi) moose; or

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

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

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

172 (ii) accessing a wildlife management area while a centerfire rifle hunt for big game is
173 in progress on the wildlife management area.

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

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

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

180 **Part 5. Big Game Byproduct**

181 **23A-11-501. Definitions.**

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

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

185 **23A-11-502. Big game byproduct -- Certificate of registration.**

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

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

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

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

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

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

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

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

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

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

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

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

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

214 (A) permit holder's name;

215 (B) permit holder's phone number;

216 (C) state or province for which the permit was issued;

217 (D) permit number;

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

219 (F) species associated with the permit;

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

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

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

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

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

228 (viii) at the time the certificate of registration holder submits the report under
229 Subsection (1)(c)(vii), pay a big game byproduct fee in accordance with Section [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 was submitted.

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

239 (ii) The division is responsible for the costs associated with laboratory testing for
240 chronic wasting disease for deer, elk, and moose carcasses from hunters within the state, with
241 the costs being paid from the big game byproduct fee collected under this part.

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

243 for financial advantage without a certificate of registration, provided the big game byproduct is:

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

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

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

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

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

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

258 **23A-11-503. Big game byproduct fee rate -- Deposit of revenue -- Penalty for**
259 **failure to pay.**

260 (1) A person shall pay for each fee year, a big game byproduct fee of six cents
261 multiplied by the total number of pounds of big game byproduct sold, bartered, exchanged, or
262 traded under authority of a certificate of registration issued by the Division of Wildlife
263 Resources under Section [23A-11-502](#).

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

266 (3) The division shall deposit revenue generated by the big game byproduct fee into the
267 Wildlife Resources Account created in Section [23A-3-201](#).

268 (4) (a) Subject to Subsection (4)(b), the division may suspend a person's certificate of
269 registration if the person fails to pay a big game byproduct fee under this part.

270 (b) Upon notification of non-payment by the division, the certificate of registration
271 holder has 10 business days to pay the past due big game byproduct fee before the division may
272 suspend the certificate of registration.

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

274 **23A-11-504. Rulemaking.**

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

277 Section 8. **Effective date.**

278 This bill takes effect on May 1, 2024.