



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Farm Animal Welfare Statutes: *Utah*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Farm Animal Welfare Statutes: Utah

Utah Code Ann. § 4-2-7

Current with laws of the 2022 General Session eff. through June 30, 2022.

§ 4-2-108. Agricultural Advisory Board created--Composition--Responsibility--Terms of office--Compensation--Executive committee

(1) There is created the Agricultural Advisory Board composed of the following 21 members:

(a) the dean of the College of Agriculture and Applied Science from Utah State University; and

(b) the following appointed by the commissioner:

(i) two representatives of associations representing interests of farmers, selected from a list of nominees submitted by at least two associations representing farmers;

(ii) a representative of an association representing cattlemen, selected from a list of nominees submitted by at least one association representing cattlemen;

(iii) one representative of an association representing wool growers, selected from a list of nominees submitted by at least one association representing wool growers;

(iv) one representative of an association representing dairies, selected from a list of nominees submitted by at least one association representing dairies;

(v) one representative of an association representing pork producers, selected from a list of nominees submitted by at least one association representing pork producers;

(vi) one representative of egg and poultry producers;

(vii) one representative of an association representing veterinarians, selected from a list of nominees submitted by at least one association representing veterinarians;

(viii) one representative of an association representing livestock auctions, selected from a list of nominees submitted by at least one association representing livestock auctions;

(ix) one representative of an association representing conservation districts, selected from a list of nominees submitted by at least one association representing conservation districts;



- (x) one representative of the Utah horse industry;
- (xi) one representative of the food processing industry;
- (xii) one representative of the fruit and vegetable industry;
- (xiii) one representative of the turkey industry;
- (xiv) one representative of manufacturers of food supplements;
- (xv) one representative of a consumer affairs group;
- (xvi) one representative of urban and small farmers;
- (xvii) one representative of an association representing elk breeders, selected from a list of nominees submitted by at least one association representing elk breeders;
- (xviii) one representative of an association representing beekeepers, selected from a list of nominees submitted by at least one association representing beekeepers; and
- (xix) one representative of fur breeders, selected from a list of nominees submitted by at least one association representing fur breeders.

(2) The Agricultural Advisory Board shall:

(a) advise the commissioner regarding:

(i) the planning, implementation, and administration of the department's programs; and

(ii) the establishment of standards governing the care of livestock and poultry, including consideration of:

(A) food safety;

(B) local availability and affordability of food; and

(C) acceptable practices for livestock and farm management; and

(b) adopt best management practices for sheep, swine, cattle, and poultry industries in the state.

(3) The Agricultural Advisory Board may adopt best management practices for domesticated elk, mink, apiaries, and other agricultural industries in the state.

(4) For purposes of this section, "best management practices" means practices used by agriculture in the production of food and fiber that are commonly accepted practices, or that are at least as effective as commonly accepted practices, and that:

(a) protect the environment;

(b) protect human health; and

(c) promote the financial viability of agricultural production.

(5)



(a) Except as required by Subsection (1)(a) or (5)(b), members of the Agricultural Advisory Board are appointed by the commissioner to four-year terms of office.

(b) Notwithstanding the requirements of Subsection (5)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A member may be removed at the discretion of the commissioner upon the request of the group the member represents.

(d) When a vacancy occurs in the membership for any reason, the commissioner shall appoint a replacement for the unexpired term.

(6) The Agricultural Advisory Board shall elect one member to serve as chair of the Agricultural Advisory Board for a term of one year.

(7)

(a) The Agricultural Advisory Board shall meet twice a year, but may meet more often at the discretion of the chair.

(b) Attendance of 11 members at a duly called meeting of the Agricultural Advisory Board constitutes a quorum for the transaction of official business.

(8) A member of the Agricultural Advisory Board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9)

(a) There is created an executive committee of the Agricultural Advisory Board consisting of the following seven members selected from members of the Agricultural Advisory Board:

(i) the two representatives appointed under Subsection (1)(b)(i);

(ii) the representative appointed under Subsection (1)(b)(ix); and

(iii) four members selected from the Agricultural Advisory Board as follows:

(A) for the initial members of the executive committee, by the commissioner; and

(B) after the initial members of the executive committee are selected, by the executive committee.

(b)



(i) A member of the executive committee shall serve a term of four years on the executive committee.

(ii) A member of the executive committee may serve for more than one term on the executive committee.

(iii) When a vacancy occurs in the membership of the executive committee for any reason, the replacement shall be selected in the same manner as under Subsection (9)(a) and for the unexpired term.

(c) Four members of the executive committee constitute a quorum and an action of the majority present when a quorum is present is action by the executive committee.

(d) The executive committee shall annually select a chair of the executive committee.

(e) The executive committee shall meet at least quarterly, except that the chair of the executive committee may call the executive committee for additional meetings.

(f) The executive committee shall:

(i) recommend to the department fees to be imposed under this title;

(ii) accept public comment received under this title; and

(iii) carry out the responsibilities assigned to the executive committee by statute.

A National Agricultural Law Center Research Publication

States' Farm Animal Welfare Statutes: Utah

Utah Code Ann. § 4-4a-101 to § 4-4a-107

Current with laws of the 2022 General Session eff. through June 30, 2022.

§ 4-4a-101. Title

This chapter is known as "Confinement of Egg-Laying Hens."

4-4a-102. Definitions.

As used in this chapter:

(1)

(a) "Cage-free housing system" means an indoor or outdoor controlled environment for egg-laying hens where:



(i) for an indoor environment, the egg-laying hens are free to roam unrestricted except by the following:

(A) exterior walls; or

(B) interior fencing used to contain the entire egg-laying hen flock within the building or subdivide flocks into smaller groups if farm employees can walk through each contained or subdivided area to provide care to egg-laying hens and if each egg-laying hen has at least the amount of usable floor space per hen required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing;

(ii) egg-laying hens are provided enrichments that allow them to exhibit natural behaviors including, at a minimum, scratch areas, perches, nest boxes, and dust bathing areas; and

(iii) farm employees can provide care while standing within the egg-laying hens' usable floor space.

(b) "Cage-free housing system" includes, to the extent the system is a system described in Subsection (1)(a) and is not excluded by Subsection (1)(c), a multi-tiered aviary, partially slatted system, single-level all-litter floor system, and any future system that is a system described in Subsection (1)(a) and is not excluded by Subsection (1)(c).

(c) "Cage-free housing system" does not include systems commonly described as battery cages, colony cages, enriched cages, enriched colony cages, modified cages, convertible cages, furnished cages, or similar cage systems.

(2) "Egg-laying hen" means a female domesticated chicken kept for the purpose of commercial egg production.

(3) "Enclosure" means a structure used to confine an egg-laying hen.

(4)

(a) "Farm" means the land, buildings, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food.

(b) "Farm" does not include live animal markets or official plants at which mandatory inspection is maintained under the federal Egg Products Inspection Act, 21 U.S.C. Sec. 1031 et seq.

(5) "Farm owner or operator" means a person that owns a controlling interest in a farm or controls the operations of a farm.



(6) "Multi-tiered aviary" means a cage-free housing system where egg-laying hens have unfettered access to multiple elevated flat platforms that provide the egg-laying hens with usable floor space both on top of and underneath the platforms.

(7) "Partially slatted system" means a cage-free housing system where egg-laying hens have unfettered access to elevated flat platforms under which manure drops through the flooring to a pit or litter removal belt below.

(8) "Shell egg" means a whole egg of an egg-laying hen in the egg's shell form, intended for use as human food.

(9) "Single-level all-litter floor system" means a cage-free housing system bedded with litter where egg-laying hens have limited or no access to elevated flat platforms.

(10)

(a) "Usable floor space" means the total square footage of floor space provided to each egg-laying hen, as calculated by dividing the total square footage of floor space provided to egg-laying hens in an enclosure by the total number of egg-laying hens in that enclosure.

(b) "Usable floor space" includes both ground space and elevated level or nearly level flat platforms upon which hens can roost, but does not include perches or ramps.

4-4a-103. Prohibitions.

Beginning on January 1, 2025, a farm owner or operator may not knowingly confine an egg-laying hen in an enclosure:

(1) that is not a cage-free housing system; or

(2) that has less than the amount of usable floor space per hen as required by the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for U.S. Egg-Laying Flocks: Guidelines for Cage-Free Housing.

4-4a-104. Confinement exemptions.

Section 4-4a-103 does not apply to an egg-laying hen:

(1) used for medical research;

(2) during examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian;

(3) during transportation;

(4) at state or county fair exhibitions, 4-H programs, and similar exhibitions;



(5) during slaughter conducted in accordance with applicable laws, rules, and regulations; or

(6) kept for temporary animal husbandry purposes of no more than six hours in any 24-hour period and no more than 24 hours total in any 30-day period.

4-4a-105. De minimis exemptions for shell eggs.

This chapter does not apply to the production of shell eggs in the state by a farm with fewer than 3,000 egg-laying hens.

4-4a-106. Enforcement.

(1) The department shall enforce this chapter.

(2) A person subject to this chapter shall allow the department access during regular business hours to facilities and records pertinent to activities subject to this chapter.

(3) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules governing the inspection of farms to ensure compliance with this chapter.

(4)

(a) The department may use an inspection provider or process verification provider to ensure compliance with this chapter.

(b) To rely on an inspection provider or process verification provider, the department must approve the specific inspection provider or process verification provider as competent to ensure compliance with this chapter.

(5)

(a) If the department determines that a person subject to this chapter is in violation of a provision of this chapter or a rule adopted under this chapter, the department shall provide the person with a written notice that:

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

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

(b) If a person who receives a notice issued under Subsection (5)(a) does not cure a violation identified in the notice before the deadline stated in the notice, the department may impose a civil fine of \$100 per written notice, regardless of the number of violations identified in the notice.



(c) If a violation is not cured after the department provides a person with written notice of the violation and a reasonable opportunity to cure, the department may seek a temporary restraining order or permanent injunction to prevent further violation of this chapter.

4-4a-107. Report.

(1) The department shall provide a report on this chapter to the Business and Labor Interim Committee during or before the November interim meeting in 2023.

(2) The report described in Subsection (1) shall include an update on:

(a) efforts taken by farm owners and operators to come into compliance with Section 4-4a-103; and

(b) the retail demand for and conditions related to the sale of cage-free eggs.

