

Utah State Laws Affected by H.R. 4879

- I. Food
 - a. Cottage Food Production
 - i. Labeling, Production, and Restriction of Sale
 - 1. These laws place conditions or restrictions the production and sale of cottage foods—those foods not produced in a commercial kitchen but instead created in home kitchens or small-scale production facilities. They are intended to ensure that the food is safe and properly labeled.
 - 2. U.C.A. 1953 § 4-5-501
- II. Alcohol
 - a. None
- III. Drugs
 - a. Tobacco
 - i. Minimum Age Requirements
 - 1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
 - 2. UT ST § 76-10-104
 - 3. UT ST § 76-10-105
 - ii. Fire Safety Standards
 - 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 - 2. Utah Code Ann. § 53-7-403
 - 3. Utah Code Ann. § 53-7-404
 - 4. Utah Code Ann. § 53-7-405
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. Firewood
 - i. Import Restrictions
 - 1. These laws impose conditions, bans, or restrictions on the importation of firewood into the state given that untreated firewood has been known to carry invasive pests or disease. They are intended to limit the spread of injurious materials and to protect the local ecosystem.
 - 2. U.A.C. R68-23
- VI. Home Goods and Products
 - a. Furniture and bedding

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- i. Label Laws
 1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
 2. Utah Code Ann. § 4-10-106
 3. Utah Code Ann. § 4-10-107
 4. Utah Code Ann. § 4-10-109
 5. Utah Admin. Code r. R70-101
- ii. Wood Filler Materials
 1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Utah Code Ann. § 4-10-106
 3. Utah Admin. Code r. R70-101
- iii. Down or Feather Filler Materials
 1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Utah Code Ann. § 4-10-106
 3. Utah Admin. Code r. R70-101
- iv. Hair Filler Materials
 1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
 2. Utah Code Ann. § 4-10-106
 3. Utah Admin. Code r. R70-101
- v. Sterilization and Sanitation Requirements
 1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
 2. U.C.A. 1953 § 4-10-113
 3. U.C.A. 1953 § 4-10-106
 4. Utah Code Ann. § 4-10-106
 5. Utah Admin. Code r. R70-101
- vi. Prohibited Products
 1. These regulations restrict the introduction or use of certain products or materials in bedding, pillow, mattresses or other stuffed materials. They are often intended to protect public health from potentially hazardous materials or other contaminants.

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2. Utah Code Ann. § 4-10-106
- vii. Registration, Licensing, and Permits
 1. These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
 2. Utah Code Ann. § 4-10-104
 3. Utah Code Ann. § 4-10-105
 4. Utah Admin. Code r. R70-101
- viii. Record Keeping
 1. These laws impose record keeping requirements on manufacturers of certain types of bedding, mattresses, or other stuffed materials.
 2. Utah Code Ann. § 4-10-108
- VII. Live Animal Imports
 - a. Birds
 - i. Avian Influenza and Newcastle Disease
 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
 2. U.A.C. R58-6
 3. U.A.C. R70-410
 - b. Cattle and Bison
 - i. Anthrax
 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 2. U.A.C. R58-1
 3. U.A.C. R58-2
 4. U.A.C. R58-3
 5. <https://ag.utah.gov/documents/ReportableDiseaseList.pdf>
 - ii. Brucellosis
 1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects

humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. U.A.C. R58-1

iii. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. U.A.C. R58-1

3. U.A.C. R58-2

4. U.A.C. R58-3

5. <https://ag.utah.gov/documents/ReportableDiseaseList.pdf>

c. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. U.A.C. R657-3

3. U.A.C. R58-1

d. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.

2. U.C.A. 1953 § 4-11-111

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations

restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.

2. U.A.C. R58-1

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies ("TSEs")—which are related to bovine spongiform encephalopathy ("BSE" or "mad cow disease") and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. U.A.C. R58-1

g. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. U.A.C. R58-1

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. U.A.C. R58-1

3. U.A.C. R58-2

4. U.A.C. R58-3

5. <https://ag.utah.gov/documents/ReportableDiseaseList.pdf>

h. Pig Semen and Ova

i. Gamete Importation

1. These laws impose regulations and restrictions on the importation of semen and ova from swine to be used for breeding purposes. They are intended to prevent the transmission of disease and ensure that animals produced from imported stock are healthy.

2. U.A.C. R58-1

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- i. Exotic Meats
 - i. Turtle
 - 1. These laws impose import conditions on live turtles. To the extent that imported turtles are raised for human consumption, as pets, or as livestock, they may be considered agricultural products. These laws are intended to prevent the spread of salmonella and other diseases, as well as to ensure safe handling processes.
 - 2. U.A.C. R657-53
 - ii. Emu
 - 1. These state regulations require health certification for emus imported into the state. They are intended to protect local emu farmers and ensure that incoming birds are healthy and free of disease.
 - 2. U.A.C. R58-6
- VIII. Companion Animals
 - a. Dogs and Cats
 - i. Minimum Age at Sale
 - 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
 - 2. U.A.C. R58-1-13(3)
 - ii. Veterinary Inspection Requirements
 - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 - 2. U.A.C. R58-1
- IX. Products for Animals
 - a. Pet Food
 - i. Nutritional Labeling
 - 1. These laws impose nutritional standards for pet food marketed as “complete” or “balanced.” They are intended to ensure accuracy and prevent false claims.
 - 2. Utah Admin. Code r. R68-2
 - ii. Nutritional Claims
 - 1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
 - 2. Utah Admin. Code r. R68-2
 - b. Commercial Feed
 - i. Labeling of Commercial Feed

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1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
 2. U.C.A. 1953 § 4-12-5
- c. Prohibited Foods
- i. Feed Garbage to Swine
 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
 2. U.A.C. R58-1
- X. Dead Animals and Animal Parts
- a. None
- XI. Invasive Pests, Plants, and Disease
- a. Ash Trees
 - i. Emerald Ash Borer
 1. The emerald ash borer is a green jewel beetle from Asia that causes nearly 100% mortality of ash trees in an infected area within 10 years. These laws supplement federal regulation and establish additional quarantines, prohibit the importation of regulated articles, or impose other conditions or inspection systems affecting regulated articles prior to import.
 2. U.A.C. R68-23
 - b. Noxious Weeds
 1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
 2. U.A.C. R68-9
- c. Soil and Fertilizer
- i. Labeling and Registration
 1. These laws impose conditions on the labeling of soils, fertilizers, and other horticultural growing materials, including specific provisions for certain ingredients, provenance, and the like. Some require producers to disclose the use of waste-derived products, arsenic, mercury, poisons, and other materials. Other regulations

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require that manufacturers register prior to selling such products within the state. These laws are intended to inform consumers and increase producer transparency.

2. U.A.C. R68-3

XII. Procurement

a. Agricultural Goods

1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.

2. U.C.A. 1953 § 63G-6a-1002

3. U.A.C. R33-10

4. U.A.C., R33-6-111

b. Meat with Pink Slime

1. “Pink slime,” also known as lean finely textured beef, is ammonia-treated scrap meat and connective tissue that is used as an additive in processed meats. The National School Lunch Program is a USDA program that offers schools the option to purchase meat with or without pink slime. Some school boards or departments of education prohibit its purchase for schools through regulatory policies.

2. Utah State Office of Education

<https://www.deseretnews.com/article/865552255/Utah-school-lunch-programs-join-anti--pink-slime-meat-movement.html>

XIII. General Prohibitions

a. None

XIV. Miscellaneous

a. None