

R58. Agriculture and Food, Animal Industry.

R58-14. Holding Live Raccoons or Coyotes in Captivity.

R58-14-1. Authority.

- A. Promulgated under authority of Subsection 4-2-103(1)(j) and Section 4-23-111.
- B. Scope: It is the intent of this rule to protect the health and safety of individuals by prohibiting the holding of a raccoon or coyote in captivity except as provided by this rule.

R58-14-2. Definitions.

For the purpose of this rule the following definitions apply:

- A. Division means the Division of Wildlife Resources.
- B. Person means an individual, association, partnership, government agency, or corporation, or any agent of the foregoing.
- C. Possession means actual and constructive possession.
- D. Raccoon means a depredating animal.
- E. Coyote means a predatory animal.
- F. Animal means raccoon or coyote.
- G. Captivity means possession.
- H. Unpermitted animal means a raccoon or coyote possessed by a person without a valid permit issued by the Department of Agriculture and Food for each individual animal.

R58-14-3. General.

The Division of Wildlife Resources, with the cooperation of the Department of Agriculture and Food and the Department of Health shall enforce this rule.

A. The Agricultural and Wildlife Damage Prevention Board, by authority granted under Title 4, Chapter 23, the Agricultural and Wildlife Damage Prevention Act, declares it unlawful to import, distribute, relocate or possess live raccoons or coyotes except as provided by this rule.

B. Upon filing an application for registration with the Department of Agriculture and Food, upon forms provided by the department, a permit may be issued by the department authorizing the applicant to hold in live captivity raccoons or coyotes for research, educational, zoos, circuses, or other purposes authorized by the Department of Agriculture and Food.

C. A separate permit must be obtained from the department for each individual raccoon and coyote possessed, and the permit is valid only for the individual raccoon or coyote for which the permit was originally issued.

D. A person issued a permit to possess a live raccoon or coyote may not lend, sell, lease, assign, give, or otherwise transfer the permit, or any rights granted by the permit, to another person.

E. A person may not use or attempt to use the permit of another person.

F. Nuisance raccoons and coyotes may not be relocated following capture, but may be captured and euthanized or otherwise destroyed on location where capture is unfeasible.

G. Unpermitted animals may be seized immediately by the Division of Wildlife Resources, the Department of Health, the Department of Agriculture and Food, animal control officers, or peace officers where the person possessing the animal cannot produce, for each raccoon or coyote a valid permit issued for that particular animal.

(1) At the time the citation is issued, the aggrieved party may sign and indicate on the citation intent to seek administrative review. Within fourteen days aggrieved party must make a written request to the Department of Agriculture and Food, pursuant to Section 4-1-104, to schedule an informal adjudicative proceeding to review the seizure of any unpermitted animal.

(2) Unpermitted animals seized by the Division of Wildlife Resources, the Department of Health, the Department of Agriculture and Food, an animal control officer, or a peace officer may be held and boarded by the state where the possessor verifies in writing at the time of seizure his or her intention to seek administrative review of the seizure under Rule R58-14-3 G(1), and further agrees to compensate the state for all reasonable costs associated with boarding the subject animal during the pendency of the review process. In instances where the final adjudicative order finds possession of the subject animal lawful under these rules, all boarding expenses paid to the state under this section will be refunded.

(3) Unpermitted animals seized by the Division of Wildlife Resources, the Department of Health, or the Department of Agriculture and Food may be euthanized if the possessor does not verify at the time of seizure his or her intention to seek administrative reviews of the seizure under Rule R58-14-3(1), or refuses to reimburse the state for the costs associated with boarding the animal.

(4) Unpermitted animals held or boarded by the state pursuant to Rule R58-14-3 G(2) may be euthanized where the party fails to timely file a request provided under Section 4-1-104, or where remedies have been exhausted and the final order finds possession of the animal in violation of statute or this rule.

H. Any raccoon or coyote that bites or scratches a person or domestic animal shall be handled in accordance with Rule R386-702-5.

R58-14-4. Penalty.

Any violation of this rule is a Class B Misdemeanor.

KEY: administrative procedure, enforcement

Date of Enactment or Last Substantive Amendment: July 18, 2000

Notice of Continuation: April 1, 2021

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(j); 4-23-111