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Farm Ownership & Corporate Farming Laws: *Utah*



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Farm Ownership & Corporate Farming Laws: Utah

Fast Find:

- 1) Prohibition: Utah Code Ann. §§ 63L-13-101; 201; 202
- 2) Permission: Not Expressly
- 3) Reporting: None
- 4) Corporate Farming: Utah Code Ann. §§ 63L-13-101; 201; 202

Utah Code Ann. §§ 63L-13-101 to 202

Current through laws passed during the 2023 General Session of the 65th Utah State Legislature.

§ 63L-13-101. Definitions.

As used in this chapter:

- (1) “Interest in land” means any right, title, lien, claim, interest, or estate with respect to land.
- (2)
 - (a) “Land” means all real property within the state.
 - (b) “Land” includes:
 - (i) agricultural land, as defined in Section 4-46-102;
 - (ii) Land owned or controlled by a political subdivision;
 - (iii) land owned or controlled by a school district;
 - (iv) non-federal land, as defined in Section 9-9-402;
 - (v) private land;
 - (vi) public land;
 - (vii) state land, as defined in Subsection 9-9-402(14)(a);
 - (viii) waters of the state, as defined in Subsection 19-5-102(23)(a); and
 - (ix) subsurface land.
 - (c) “Land” does not include real property that is owned, controlled, or held in trust by the federal government.
- (3) “Restricted foreign entity” means:



- (a) a company that the United States Secretary of Defense is required to identify and report as a military company under Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283;
- (b) an affiliate, subsidiary, or holding company of a company described in Subsection (3)(a);
- (c) a country with a commercial or defense industrial base of which a company described in Subsection (3)(a) or (b) is a part;
- (d) a state, province, region, prefecture, subdivision, or municipality of a country described in Subsection (3)(c); and
- (e) an agency, bureau, committee, or department of a country described in Subsection (3)(c).

§ 63L-13-201. Acquisition of land prohibited—Exceptions.

- (1) Subject to Subsection (2) and Section 63-L-13-202, a restricted foreign entity may not acquire an interest in land in this state.
- (2) Subsection (1) does not apply to an interest in land that a restricted foreign entity acquired before May 3, 2023:
 - (a) by purchase, grant, gift, donation, devise, or bequest;
 - (b) as security for the repayment of a debt; or
 - (c) as a party to a contract for the transfer or conveyance of an interest in land to the restricted foreign entity.
- (3) A deed or other written instrument, other than in probate, purporting to convey an interest in land to a restricted foreign entity in violation of Subsection (1) is invalid.

§ 63L-13-202. Alienate within five years—Escheat.

- (1) A restricted foreign entity that acquires an interest in land on or after May 3, 2023, by grant, gift, donation, devise, or bequest shall alienate the interest within five years after the date of acquisition.
- (2) If a restricted foreign entity fails to alienate an interest in land in accordance with Subsection (1), the interest escheats to the state.

