

FOOD FREEDOM ACT

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 4, Utah Agricultural Code, by enacting the Food Freedom Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ states that a producer is exempt from state, county, or city licensing, permitting,

certification, inspection, packaging, and labeling requirements for the preparation, serving, use, consumption, or storage of food and food products that are:

- produced and sold within the state;
- sold directly to an informed end consumer; and
- for home consumption;

▶ states that a producer is not required to eliminate the inherent risks of consumption of food that is not certified, licensed, regulated, or inspected by the state; and

- ▶ exempts most meat products from the Food Freedom Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



- 28 [4-5a-101](#), Utah Code Annotated 1953
- 29 [4-5a-102](#), Utah Code Annotated 1953
- 30 [4-5a-103](#), Utah Code Annotated 1953
- 31 [4-5a-104](#), Utah Code Annotated 1953
- 32 [4-5a-105](#), Utah Code Annotated 1953

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

35 Section 1. Section **4-5a-101** is enacted to read:

36 **CHAPTER 5a. FOOD FREEDOM ACT**

37 **4-5a-101. Title.**

38 This chapter is known as the "Food Freedom Act."

39 Section 2. Section **4-5a-102** is enacted to read:

40 **4-5a-102. Definitions.**

41 (1) (a) "Commercial establishment" means a wholesale or retail business that displays,
42 sells, manufactures, processes, packs, holds, or stores food, drugs, devices, or cosmetics.

43 (b) "Commercial establishment" does not include a:

44 (i) direct-to-sale location; or

45 (ii) farmers market.

46 (2) "Delivery" means the transfer of a product resulting from a transaction between a
47 producer, or producer's agent, and an informed end consumer at a direct-to-sale location.

48 (3) "Direct-to-sale location" means a farm, ranch, farmers market, home, office, or any
49 location agreed upon by both a producer and the informed end consumer where a producer sells
50 a food or food product to an informed end consumer.

51 (4) "Farmers market" means a public or private facility or area where producers gather
52 on a regular basis to sell fresh food, locally grown products, and other food items directly to a
53 consumer.

54 (5) "Food product" means a substance that can be used, or prepared for use, as food.

55 (6) "Home consumption" means the use or ingestion of food or a food product within a
56 private home by a family member, an employee, or a nonpaying guest.

57 (7) "Informed end consumer" means an individual who:

58 (a) is the last individual to purchase a product;

59 (b) does not resell the product; and
60 (c) has been informed that the product is not certified, licensed, regulated, or inspected
61 by the state.

62 (8) "Producer" means a person who harvests or produces food or a food product.

63 Section 3. Section **4-5a-103** is enacted to read:

64 **4-5a-103. Farmer-to-consumer direct sales -- Exempt from regulation.**

65 (1) A producer is exempt from state, county, or city licensing, permitting, certification,
66 inspection, packaging, and labeling requirements related to the preparation, serving, use,
67 consumption, or storage of food and food products if the food or food product is:

- 68 (a) produced and sold within the state;
- 69 (b) sold directly to an informed end consumer; and
- 70 (c) for home consumption.

71 (2) Food and food products exempt under this chapter may not be sold to, or used by, a
72 restaurant or commercial establishment.

73 (3) A producer selling food or food products exempt under this section shall, before
74 purchase, state to the informed end consumer that the food or food product is not certified,
75 licensed, regulated, or inspected by the state.

76 Section 4. Section **4-5a-104** is enacted to read:

77 **4-5a-104. Limitations.**

78 Nothing in this chapter:

79 (1) shall be construed to impede the Department of Health in an investigation of food
80 borne illness;

81 (2) prohibits a state agency from providing assistance, consulting, or inspecting when
82 requested by a producer;

83 (3) affects the registration of cottage food production operations as food
84 establishments; or

85 (4) affects the authority of the Department of Health or the Department of Agriculture
86 and Food to certify, license, regulate, or inspect food or food products that are not exempt from
87 certification, licensing, regulation, or inspection under this chapter.

88 Section 5. Section **4-5a-105** is enacted to read:

89 **4-5a-105. Meat exempted.**

90 This chapter does not apply to any meat, wild game, wild fish, or poultry, except the
91 sale of poultry and poultry products consistent with this chapter.

Legislative Review Note
Office of Legislative Research and General Counsel