

Representative Marc K. Roberts proposes the following substitute bill:

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 certain state, county, or city regulations

regarding the preparation, serving, use, consumption, or storage of certain 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



26 **Utah Code Sections Affected:**

27 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



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

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

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

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

55 (6) "Informed end consumer" means an individual who:

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

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

60 (7) "Producer" means a person who harvests or produces food or a food product.

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

62 **4-5a-103. Farmer-to-consumer direct sales -- Exempt from regulation.**

63 (1) A producer is exempt from state, county, or city licensing, permitting, certification,
 64 inspection, packaging, and labeling requirements, except as described in Subsections (2) and
 65 (5), related to the preparation, serving, use, consumption, or storage of food and food products
 66 if:

67 (a) complies with the requirements of this chapter; and

68 (b) the food or food product is:

69 (i) produced and sold within the state;

70 (ii) sold directly to an informed end consumer; and

71 (iii) for home consumption.

72 (2) Food or food products, other than raw produce, sold under this section shall be
 73 labeled with:

74 (a) the producer's name and address; and

75 (b) a disclosure statement indicating that the product is:

76 (i) not for resale; and

77 (ii) processed and prepared without state or local inspection.

78 (3) A producer selling food or food products under this section shall obtain a temporary
 79 or official food handler certificate before selling a food or food product to an informed end
 80 consumer.

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

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

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

87 **4-5a-104. Limitations.**

88 Nothing in this chapter:

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

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

93 (3) affects the registration of cottage food production operations as food
94 establishments; or

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

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

99 **4-5a-105. Meat exempted.**

100 This chapter does not apply to any meat, wild game, wild fish, or poultry, except the
101 sale of poultry and poultry products consistent with this chapter and federal code 9 C.F.R.
102 381.10.