

**Microenterprise Home Kitchen Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Christine F. Watkins

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**LONG TITLE**

**General Description:**

This bill modifies the sanitation and food safety standards for a microenterprise home kitchen.

**Highlighted Provisions:**

This bill:

- defines terms;
- modifies food safety requirements; and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-7-401**, as last amended by Laws of Utah 2024, Chapters 30, 282

**26B-7-416**, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-7-401** is amended to read:

**26B-7-401 . Definitions.**

As used in this part:

- (1) "Agritourism" means the same as that term is defined in Section 78B-4-512.
- (2) "Agritourism activity" means the same as that term is defined in Section 78B-4-512.
- (3) "Agritourism food establishment" means a non-commercial kitchen facility where food is handled, stored, or prepared to be offered for sale on a farm in connection with an

agritourism activity.

(4) "Agritourism food establishment permit" means a permit issued by a local health department to the operator for the purpose of operating an agritourism food establishment.

(5) "Back country food service establishment" means a federal or state licensed back country guiding or outfitting business that:

(a) provides food services; and

(b) meets department recognized federal or state food service safety regulations for food handlers.

(6) "Body art facility" means a facility where an individual practices or instructs:

(a) body piercing;

(b) branding;

(c) permanent cosmetics;

(d) scarification; or

(e) tattooing.

(7)(a) "Body piercing" means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

(b) "Body piercing" does not include ear piercing.

(8) "Branding" means the process in which a mark is burned, with or without heated metal, into human tissue with the intention of leaving a permanent mark.

(9) "Certified food safety manager" means a manager of a food service establishment who:

(a) passes successfully a department-approved examination;

(b) successfully completes, every three years, renewal requirements established by department rule consistent with original certification requirements; and

(c) submits to the appropriate local health department the documentation required by Section 26B-7-412.

(10) "Ear piercing" means the puncturing of the lobe of the ear with piercing equipment to insert stud-and-clasp jewelry according to the directions provided by the piercing equipment's manufacturer.

(11) "Farm" means a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.

(12) "Food" means:

(a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or ingredient used or intended for use or for sale, in whole or in part, for human

63 consumption; or

64 (b) chewing gum.

65 (13) "Food service establishment" means any place or area within a business or  
66 organization where potentially hazardous foods, as defined by the department under  
67 Section 26B-7-410, are prepared and intended for individual portion service and  
68 consumption by the general public, whether the consumption is on or off the premises,  
69 and whether or not a fee is charged for the food.

70 (14) "Microblading" means a procedure where a hand tool with a blade formed of tiny  
71 needles implants permanent or semi-permanent pigment, resembling hair, into the skin  
72 of the eyebrow area with fine and short strokes.

73 (15)(a) "Microenterprise home kitchen" means a non-commercial kitchen facility located  
74 in a private home and operated by a resident of the home where ready-to-eat food is  
75 handled, stored, prepared, or offered for sale.

76 (b) "Microenterprise home kitchen" does not include:

77 (i) a catering operation;

78 (ii) a cottage food operation;

79 (iii) a food truck;

80 (iv) an agritourism food establishment;

81 (v) a bed and breakfast; or

82 (vi) a residence-based group care facility.

83 (16) "Microenterprise home kitchen permit" means a permit issued by a local health  
84 department to the operator for the purpose of operating a microenterprise home kitchen.

85 (17)(a) "Permanent cosmetics" means a permanent or semi-permanent tattoo:

86 (i) to the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair  
87 imitation, lash enhancement, or areola repigmentation; and

88 (ii) performed by an individual not licensed under Title 58, Chapter 67, Utah Medical  
89 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

90 (b) "Permanent cosmetics" includes permanent makeup, micropigmentation,  
91 micropigment implantation, microblading, dermagraphics, or cosmetic tattooing.

92 (18) "Ready-to-eat" means:

93 (a) raw animal food that is cooked;

94 (b) raw fruits and vegetables that are washed;

95 (c) fruits and vegetables that are cooked for hot holding;

96 (d) a ~~[time or temperature control]~~ time and temperature controlled food that is cooked to

the temperature and time required for the specific food in accordance with rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(e) a bakery item for which further cooking is not required for food safety.

(19) "Scarification" means the process in which a mark is cut into human skin tissue with the intent of leaving a permanent mark.

(20) "[~~Time or temperature control~~] Time and temperature controlled food" means food that requires [~~time or temperature~~] time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Section 2. Section **26B-7-416** is amended to read:

**26B-7-416 . Microenterprise home kitchen permits -- Fees -- Safety and health inspections -- Permit requirements.**

(1) As used in this section, "operator" means an individual who resides in the private home and who manages or controls the microenterprise home kitchen.

(2)(a) An operator may not operate a microenterprise home kitchen unless the operator obtains a permit from the local health department that has jurisdiction over the area in which the microenterprise home kitchen is located.

(b) In accordance with Section 26A-1-121, and subject to the restrictions of this section, the department shall make standards and regulations relating to the permitting of a microenterprise home kitchen.

(c) In accordance with Section 26A-1-114, a local health department shall impose a fee for a microenterprise home kitchen permit in an amount that reimburses the local health department for the cost of regulating the microenterprise home kitchen.

(3)(a) A local health department with jurisdiction over an area in which a microenterprise home kitchen is located may grant a microenterprise home kitchen permit to the operator.

(b) Nothing in this section prevents a local health department from revoking a microenterprise home kitchen permit issued by the local health department if the operation of the microenterprise home kitchen violates the terms of the permit or this section.

(4) An operator may qualify for a microenterprise home kitchen permit if:

(a) food that is served at the microenterprise home kitchen is processed in compliance with state and federal regulations;

(b) a kitchen facility used to prepare food for the microenterprise home kitchen meets

- 131 the requirements established by the department;
- 132 (c) the microenterprise home kitchen operates only during the hours approved in the
- 133 microenterprise home kitchen permit; and
- 134 (d) the microenterprise home kitchen complies with the requirements of this section.
- 135 (5) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative
- 136 Rulemaking Act, make rules regarding sanitation, equipment, and maintenance
- 137 requirements for microenterprise home kitchens.
- 138 (6) A local health department shall:
- 139 (a) ensure compliance with the rules described in Subsection (5) when inspecting a
- 140 microenterprise home kitchen;
- 141 (b) notwithstanding Section 26A-1-113, inspect a microenterprise home kitchen that
- 142 requests a microenterprise home kitchen permit only:
- 143 (i) for an initial inspection, no more than one week before the microenterprise home
- 144 kitchen is scheduled to begin operation;
- 145 (ii) for an unscheduled inspection, if the local health department conducts the
- 146 inspection:
- 147 (A) within three days before or after the day on which the microenterprise home
- 148 kitchen is scheduled to begin operation; or
- 149 (B) during operating hours of the microenterprise home kitchen; or
- 150 (iii) for subsequent inspections if:
- 151 (A) the local health department provides the operator with reasonable advanced
- 152 notice of the inspection; or
- 153 (B) the local health department has a valid reason to suspect that the
- 154 microenterprise home kitchen is the source of an adulterated food or of an
- 155 outbreak of illness caused by a contaminated food; and
- 156 (c) document the reason for any inspection after the initial inspection, keep a copy of
- 157 that documentation on file with the microenterprise home kitchen's permit, and
- 158 provide a copy of that documentation to the operator.
- 159 (7) A microenterprise home kitchen shall:
- 160 (a) take steps to avoid any potential contamination to:
- 161 (i) food;
- 162 (ii) equipment;
- 163 (iii) utensils; or
- 164 (iv) unwrapped single-service and single-use articles; and

(b) prevent an individual from entering the food preparation area while food is being prepared if the individual is known to be suffering from:

(i) symptoms associated with acute gastrointestinal illness; or

(ii) a communicable disease that is transmissible through food~~[-and]~~ .

~~[(e)]~~ (8) A microenterprise home kitchen shall comply with the following requirements:

~~[(i)]~~ ~~(a)(i)~~ ~~[time or temperature control food shall be prepared, cooked, and served]~~ the operator shall prepare, cook, and serve time and temperature controlled food on the same day; or

(ii) the operator may cook and serve or distribute time and temperature controlled food within 72 hours of when the food was prepared only if the operator:

(A) utilizes a time and temperature control log for each time and temperature controlled food that demonstrates proper hot and cold holding temperatures were maintained for up to 72 hours;

(B) keeps a time and temperature control log for temperature controlled foods and updates the time and temperature control log at least every two hours during hours of operation;

(C) keeps a temperature control log of daily time and temperatures for each refrigerator and freezer at the beginning and end of each day of operation and a log recording the time and temperature of each refrigerator and freezer every four hours during the hours of operation;

(D) retains temperature control logs for a period of 90 days; and

(E) clearly marks, with a consistent time and date marking method, temperature controlled food to indicate the time and date by which the operator shall sell or discard the food;

~~[(ii)]~~ ~~(b)~~ ~~[food that is sold or provided to a customer may not be consumed onsite at the microenterprise home kitchen operation]~~ the operator may not allow consumption of the operator provided food onsite;

~~[(iii)]~~ ~~(c)~~ ~~[food that is sold or provided to a customer shall be picked up by the consumer or delivered within a safe time period based on holding equipment capacity]~~ the operator shall ensure the consumer receives the operator provided food within a safe time period based on holding capacity;

~~[(iv)]~~ ~~(d)~~ food preparation may not involve processes that require a HACCP plan, or the production, service, or sale of raw milk or raw milk products;

~~[(v)]~~ ~~(e)~~ the operator may not provide molluscan shellfish~~[-may not be served or sold];~~

199        [~~(vi)~~] (f) the operator may only [~~sell or~~] provide food directly to [~~consumers and~~] a  
200                consumer;

201        (g) the operator may not [~~sell or~~] provide food to any wholesaler or retailer; and

202        [~~(vii)~~] (h) the operator shall provide the consumer with a notification that, while a permit  
203                has been issued by the local health department, the kitchen may not meet all of the  
204                requirements of a commercial retail food establishment.

205        [~~(8)~~] (9) When making the rules described in Subsection (5), the department may not make  
206                rules regarding:

207                (a) hand washing facilities, except to require that a hand washing station supplied with  
208                        warm water, soap, and disposable hand towels is conveniently located in food  
209                        preparation, food dispensing, and warewashing areas;

210                (b) kitchen sinks, kitchen sink compartments, and dish sanitation, except to require that  
211                        the kitchen sink has hot and cold water, a sanitizing agent, is fully operational, and  
212                        that dishes are sanitized between each use;

213                (c) the individuals allowed access to the food preparation areas, food storage areas, and  
214                        washing areas, except during food preparation;

215                (d) display guards, covers, or containers for display foods, except to require that  
216                        ready-to-eat food is protected from contamination during storage, preparation,  
217                        handling, transport, and display;

218                (e) outdoor display and sale of food, except to require that food is maintained at proper  
219                        holding temperatures;

220                (f) utensils and equipment, except to require that utensils and equipment used in the  
221                        home kitchen:

222                        (i) retain their characteristic qualities under normal use conditions;

223                        (ii) are properly sanitized after use; and

224                        (iii) are maintained in a sanitary manner between uses;

225                (g) food contact surfaces, except to require that food contact surfaces are smooth, easily  
226                        cleanable, in good repair, and properly sanitized between tasks;

227                (h) non-food contact surfaces, if those surfaces are made of materials ordinarily used in  
228                        residential settings, except to require that those surfaces are kept clean from the  
229                        accumulation of residue and debris;

230                (i) clean-in-place equipment, except to require that the equipment is cleaned and  
231                        sanitized between uses;

232                (j) ventilation, except to require that gases, odors, steam, heat, grease, vapors, and smoke

- 233 are able to escape the kitchen;
- 234 (k) fixed temperature measuring devices or product mimicking sensors for the holding  
235 equipment for ~~[time or temperature control]~~ time and temperature controlled food,  
236 except to require non-fixed temperature measuring devices for hot and cold holding  
237 of food during storage, serving, and cooling;
- 238 (l) fixed floor-mounted and table-mounted equipment, except to require that  
239 floor-mounted and table-mounted equipment be in good repair and sanitized between  
240 uses;
- 241 (m) dedicated laundry facilities, except to require that linens used for the  
242 microenterprise home kitchen are stored and laundered separately from household  
243 laundry and that soiled laundry is stored to prevent contamination of food and  
244 equipment;
- 245 (n) water, plumbing, drainage, and waste, except to require that:
- 246 (i) sinks be supplied with hot and cold potable water from:
- 247 (A) an approved public water system as defined in Section 19-4-102;
- 248 (B) if the local health department with jurisdiction over the microenterprise home  
249 kitchen has regulations regarding the safety of drinking water, a source that  
250 meets the local health department's regulations regarding the safety of drinking  
251 water; or
- 252 (C) a water source that is tested at least once per month for bacteriologic quality,  
253 and at least once in every three year period for lead and copper; and
- 254 (ii) food preparation and service is discontinued in the event of a disruption of  
255 potable water service;
- 256 (o) the number of and path of access to toilet facilities, except to require that toilet  
257 facilities are equipped with proper handwashing stations;
- 258 (p) lighting, except to require that food preparations are well lit by natural or artificial  
259 light whenever food is being prepared;
- 260 (q) designated dressing areas and storage facilities, except to require that items not  
261 ordinarily found in a home kitchen are placed or stored away from food preparation  
262 areas, that dressing takes place outside of the kitchen facility, and that food items are  
263 stored in a manner that does not allow for contamination;
- 264 (r) the presence and handling of animals, except to require that all animals are kept  
265 outside of food preparation and service areas;
- 266 (s) food storage, floor, wall, ceiling, and toilet surfaces, except to require that surfaces



- 267 are smooth, of durable construction, easily cleanable, and kept clean and free of  
268 debris;
- 269 (t) kitchen facilities open to living areas, except to require that food is only prepared,  
270 handled, or stored in kitchen and food storage areas;
- 271 (u) submission of plans and specifications before construction or remodel of a kitchen  
272 facility;
- 273 (v) the number and type of [~~time or temperature~~] time and temperature controlled food  
274 offered for sale, except:
- 275 (i) a raw [~~time or temperature~~] time and temperature controlled food such as raw fish,  
276 raw milk, and raw shellfish;
- 277 (ii) any food requiring special processes that would necessitate a HACCP plan; and  
278 (iii) fish from waters of the state;
- 279 (w) approved food sources, except to require that:
- 280 (i) food in a hermetically sealed container is obtained from a regulated food  
281 processing plant;
- 282 (ii) liquid milk and milk products are obtained from sources that comply with Grade  
283 A standards specified by the Department of Agriculture and Food by rule made in  
284 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 285 (iii) fish for sale or service are commercially and legally caught;
- 286 (iv) mushrooms picked in the wild are not offered for sale or service; and  
287 (v) game animals offered for sale or service are raised, slaughtered, and processed  
288 according to rules governing meat and poultry as specified by the Department of  
289 Agriculture and Food by rule made in accordance with Title 63G, Chapter 3, Utah  
290 Administrative Rulemaking Act;
- 291 (x) the use of items produced under this section; or  
292 (y) the use of an open air barbeque, grill, or outdoor wood-burning oven.
- 293 [(9)] (10) An operator applying for a microenterprise home kitchen permit shall provide to  
294 the local health department:
- 295 (a) written consent to enter the premises where food is prepared, cooked, stored, or  
296 harvested for the microenterprise home kitchen; and  
297 (b) written standard operating procedures that include:
- 298 (i) all food that will be stored, handled, and prepared;  
299 (ii) the proposed procedures and methods of food preparation and handling;  
300 (iii) procedures, methods, and schedules for cleaning utensils and equipment;

- (iv) procedures and methods for the disposal of refuse; and
- (v) a plan for maintaining ~~[time or temperature]~~ time and temperature controlled food at the appropriate temperatures for each ~~[time or temperature]~~ time and temperature controlled food.

~~[(10)]~~ (11) In addition to a fee charged under Subsection (2), if the local health department is required to inspect the microenterprise home kitchen as a source of an adulterated food or an outbreak of illness caused by a contaminated food and finds, as a result of that inspection, that the microenterprise home kitchen has produced an adulterated food or was the source of an outbreak of illness caused by a contaminated food, the local health department may charge and collect from the microenterprise home kitchen a fee for that inspection.

~~[(11)]~~ (12) A microenterprise home kitchen permit:

- (a) is nontransferable;
- (b) is renewable on an annual basis;
- (c) is restricted to the location and hours listed on the permit;
- (d) shall include a statement that reads: "This location is permitted under modified FDA requirements."; and
- (e) shall provide the operator the opportunity to update the food types and products handled without requiring the operator to renew the permit.

~~[(12)]~~ (13) This section does not prohibit an operator from applying for a different type of food event permit from a local health department.

**Section 3. Effective Date.**

This bill takes effect on May 7, 2025.