

1 **Microenterprise Home Kitchen Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ modifies food safety requirements; and
- 11 ▶ makes technical changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **26B-7-401**, as last amended by Laws of Utah 2024, Chapters 30, 282

19 **26B-7-416**, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

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

23 **26B-7-401 . Definitions.**

24 As used in this part:

- 25 (1) "Agritourism" means the same as that term is defined in Section 78B-4-512.
- 26 (2) "Agritourism activity" means the same as that term is defined in Section 78B-4-512.
- 27 (3) "Agritourism food establishment" means a non-commercial kitchen facility where food
28 is handled, stored, or prepared to be offered for sale on a farm in connection with an
29 agritourism activity.
- 30 (4) "Agritourism food establishment permit" means a permit issued by a local health

- 31 department to the operator for the purpose of operating an agritourism food
32 establishment.
- 33 (5) "Back country food service establishment" means a federal or state licensed back
34 country guiding or outfitting business that:
- 35 (a) provides food services; and
36 (b) meets department recognized federal or state food service safety regulations for food
37 handlers.
- 38 (6) "Body art facility" means a facility where an individual practices or instructs:
- 39 (a) body piercing;
40 (b) branding;
41 (c) permanent cosmetics;
42 (d) scarification; or
43 (e) tattooing.
- 44 (7)(a) "Body piercing" means any method of piercing the skin or mucosa to place
45 jewelry through the skin or mucosa.
46 (b) "Body piercing" does not include ear piercing.
- 47 (8) "Branding" means the process in which a mark is burned, with or without heated metal,
48 into human tissue with the intention of leaving a permanent mark.
- 49 (9) "Certified food safety manager" means a manager of a food service establishment who:
- 50 (a) passes successfully a department-approved examination;
51 (b) successfully completes, every three years, renewal requirements established by
52 department rule consistent with original certification requirements; and
53 (c) submits to the appropriate local health department the documentation required by
54 Section 26B-7-412.
- 55 (10) "Ear piercing" means the puncturing of the lobe of the ear with piercing equipment to
56 insert stud-and-clasp jewelry according to the directions provided by the piercing
57 equipment's manufacturer.
- 58 (11) "Farm" means a working farm, ranch, or other commercial agricultural, aquacultural,
59 horticultural, or forestry operation.
- 60 (12) "Food" means:
- 61 (a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or
62 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
97 the temperature and time required for the specific food in accordance with rules made
98 by the department in accordance with Title 63G, Chapter 3, Utah Administrative

99 Rulemaking Act; or

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

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

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

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

107 **26B-7-416 . Microenterprise home kitchen permits -- Fees -- Safety and health**
108 **inspections -- Permit requirements.**

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

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

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

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

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

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

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

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

130 (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
- 165 (b) prevent an individual from entering the food preparation area while food is being
166 prepared if the individual is known to be suffering from:

- 167 (i) symptoms associated with acute gastrointestinal illness; or
168 (ii) a communicable disease that is transmissible through food~~[-and]~~ .
- 169 ~~[(e)]~~ (8) A microenterprise home kitchen shall comply with the following requirements:
- 170 ~~[(i)]~~ (a)(i) ~~[time or temperature control food shall be prepared, cooked, and served]~~ the
171 operator shall prepare, cook, and serve time and temperature controlled food on
172 the same day; or
- 173 (ii) the operator may cook and serve or distribute time and temperature controlled
174 food within 72 hours of when the food was prepared only if the operator:
- 175 (A) utilizes a time and temperature control log for each time and temperature
176 controlled food that demonstrates proper hot and cold holding temperatures
177 were maintained for up to 72 hours;
- 178 (B) keeps a time and temperature control log for temperature controlled foods and
179 updates the time and temperature control log at least every two hours during
180 hours of operation;
- 181 (C) keeps a temperature control log of daily time and temperatures for each
182 refrigerator and freezer at the beginning and end of each day of operation and a
183 log recording the time and temperature of each refrigerator and freezer every
184 four hours during the hours of operation;
- 185 (D) retains temperature control logs for a period of 90 days; and
- 186 (E) clearly marks, with a consistent time and date marking method, temperature
187 controlled food to indicate the time and date by which the operator shall sell or
188 discard the food;
- 189 ~~[(ii)]~~ (b) ~~[food that is sold or provided to a customer may not be consumed onsite at the~~
190 ~~microenterprise home kitchen operation]~~ the operator may not allow consumption of
191 the operator provided food onsite;
- 192 ~~[(iii)]~~ (c) ~~[food that is sold or provided to a customer shall be picked up by the consumer~~
193 ~~or delivered within a safe time period based on holding equipment capacity]~~ the
194 operator shall ensure the consumer receives the operator provided food within a safe
195 time period based on holding capacity;
- 196 ~~[(iv)]~~ (d) food preparation may not involve processes that require a HACCP plan, or the
197 production, service, or sale of raw milk or raw milk products;
- 198 ~~[(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;
- 301 (iv) procedures and methods for the disposal of refuse; and
302 (v) a plan for maintaining [~~time or temperature~~] time and temperature controlled food

303 at the appropriate temperatures for each [~~time or temperature~~] time and temperature
304 controlled food.

305 [~~(10)~~] (11) In addition to a fee charged under Subsection (2), if the local health department
306 is required to inspect the microenterprise home kitchen as a source of an adulterated
307 food or an outbreak of illness caused by a contaminated food and finds, as a result of
308 that inspection, that the microenterprise home kitchen has produced an adulterated food
309 or was the source of an outbreak of illness caused by a contaminated food, the local
310 health department may charge and collect from the microenterprise home kitchen a fee
311 for that inspection.

312 [~~(11)~~] (12) A microenterprise home kitchen permit:

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

320 [~~(12)~~] (13) This section does not prohibit an operator from applying for a different type of
321 food event permit from a local health department.

322 Section 3. **Effective Date.**

323 This bill takes effect on May 7, 2025.