

Child Care Provider Food Preparation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill amends provisions related to food safety and sanitation for child care providers.

Highlighted Provisions:

This bill:

exempts child care food preparation kitchens from food service establishment regulations under certain circumstances;

requires the Department of Health and Human Services, in collaboration with child care provider associations, to make rules for child care food preparation kitchens:

- for food safety and sanitation; and
to qualify for certain exemptions; and

defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26B-7-417, Utah Code Annotated 1953

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

Section 1. Section 26B-7-417 is enacted to read:

26B-7-417 . Special requirements for child care food preparation kitchens.

(1) As used in this section:

- (a) "Center based child care" means the same as that term is defined in Section 26B-2-401.

- 29 (b) "Child care food preparation kitchen" means the kitchen in the center based child
30 care facility of a licensed provider:
- 31 (i) where food is prepared only for qualifying children in the care of the licensed
32 provider and the licensed provider's employees; and
33 (ii) that is not open to the public.
- 34 (c) "Child care provider association" means an association:
- 35 (i) that has functioned as a child care provider association in the state for at least
36 three years; and
37 (ii) that is affiliated with a national child care provider association.
- 38 (d) "Exempt kitchen" means a child care food preparation kitchen that meets the
39 requirements for exemption established by the department as described in Subsection
40 (2).
- 41 (e) "Food handler" means the same as that term is defined in Section 26B-7-413.
- 42 (f) "Food handler permit" means the same as that term is defined in Section 26B-7-413.
- 43 (g) "Licensed provider" means a person who holds a license from the department under
44 Section 26B-2-403.
- 45 (h) "Qualifying child" means the same as that term is defined in Section 26B-2-401.
- 46 (2)(a) In collaboration with representatives of each child care provider association in the
47 state, the department shall make rules in accordance with Title 63G, Chapter 3, Utah
48 Administrative Rulemaking Act, to establish:
- 49 (i) exemptions from this part and rules the department makes in accordance with this
50 part, for a child care food preparation kitchen; and
51 (ii) for an exempt kitchen, rules to establish sanitation and food safety requirements.
- 52 (b) The exemptions described in Subsection (2)(a)(i):
- 53 (i) shall be based on:
- 54 (A) volume of food prepared;
55 (B) type of food prepared;
56 (C) type of food preparation; and
57 (D) food storage; and
- 58 (ii) may not be based on the number of qualifying children for whom food is prepared
59 in the child care food preparation kitchen.
- 60 (3) Rules the department makes in accordance with this section may not require, in a child
61 care food preparation kitchen:
- 62 (a) that is an exempt kitchen, the use of:

- 63 (i) a commercial grade:
- 64 (A) dishwasher;
- 65 (B) oven, range, or hood;
- 66 (C) freezer; or
- 67 (D) refrigerator; or
- 68 (ii) a floor sink, if dishes are not stored in other sinks in the exempt kitchen;
- 69 (b) a certified food safety manager if every food handler has a food handler permit;
- 70 (c) a three compartment sink, if the child care food preparation kitchen:
- 71 (i) does not prepare raw meat, raw fish, or raw poultry; and
- 72 (ii) has a two compartment sink that is sanitized regularly; or
- 73 (d) a separate handwashing sink.

74 Section 2. **Effective Date.**

75 This bill takes effect on May 6, 2026.