

HB0179S02 compared with HB0179

{Omitted text} shows text that was in HB0179 but was omitted in HB0179S02

inserted text shows text that was not in HB0179 but was inserted into HB0179S02

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1 **Milk Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Kristen Chevrier
Senate Sponsor: Kirk A. Cullimore



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the regulation of milk or milk products.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ removes the requirement to obtain a permit for raw milk or raw milk products;
- 8 ▶ modifies an exemption from certain dairy regulations;
- 9 ▶ {~~modifies the definition provision, including the definition of "raw milk product";~~}
- 10 ▶ {~~removes provisions related to self-owned retail stores;~~}
- 10 ▶ defines terms;
- 11 ▶ requires notification to the Department of Agriculture and Food;
- 11 ▶ {~~addresses the sale of and other activities-~~} outlines general requirements related to raw milk
- {and} or raw milk products, including requirements related to markets;
- 14 ▶ addresses prohibited counts and drug residue in raw milk;
- 15 ▶ prescribes labeling;
- 16 ▶ addresses foodborne illness outbreaks;

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- 17 ▶ addresses cease and desist orders;
- 18 ▶ provides for testing and inspections;
- 19 ▶ imposes penalties;
- 20 ▶ allows for sales on premises under certain circumstances;
- 12 ▶ { modifies rulemaking } provides for no severability; and
- 13 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

24 None

Other Special Clauses:

26 None

Utah Code Sections Affected:

AMENDS:

29 4-3-301 , as last amended by Laws of Utah 2023, Chapter 528

30 4-3-502 , as renumbered and amended by Laws of Utah 2017, Chapter 345

21 ~~{4-3-503 , as last amended by Laws of Utah 2025, Chapter 58}~~

ENACTS:

32 4-3-601 , Utah Code Annotated 1953

33 4-3-602 , Utah Code Annotated 1953

34 4-3-603 , Utah Code Annotated 1953

35 4-3-604 , Utah Code Annotated 1953

36 4-3-605 , Utah Code Annotated 1953

37 4-3-606 , Utah Code Annotated 1953

38 4-3-607 , Utah Code Annotated 1953

39 4-3-608 , Utah Code Annotated 1953

REPEALS:

41 4-3-503 , as last amended by Laws of Utah 2025, Chapter 58

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

44 Section 1. Section 4-3-301 is amended to read:

45 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal.**

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- 46 (1) ~~[Application]~~ A person shall apply to the department for a permit to operate a plant, manufacture
butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale
distribution of dairy products ~~[shall be made to the department upon forms]~~ on a form prescribed
and furnished by the department.
- 50 (2) Upon receipt of a proper application, compliance with the applicable rules, and payment of a permit
fee determined by the department according to Subsection 4-2-103(2), the commissioner, if satisfied
that the public convenience and necessity and the industry will be served, shall issue an appropriate
permit to the applicant subject to suspension or revocation for cause.
- 55 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 56 (4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment,
haul milk in bulk, or for the wholesale distribution of dairy products, is renewable for a period of
one year upon the payment of an annual permit renewal fee determined by the department according
to Subsection 4-2-103(2) on or before December 31 of each year.
- 61 (5) Notwithstanding Subsection (1), a person is not required to obtain a permit but shall notify the
department of the intention to produce raw milk or a raw milk product as provided in Part 6, Raw
Milk.
- 64 ~~[(5) Notwithstanding the requirements of Subsection (1), application for a permit or certificate to
produce milk or a raw milk product, as that term is defined in Section 4-3-503, shall be made to the
department on forms prescribed and furnished by the department.]~~
- 68 ~~[(6)~~
- ~~(a) Upon receipt of a proper application and compliance with applicable rules, the commissioner shall
issue a permit entitling the applicant to engage in the business of producer, subject to suspension or
revocation for cause.]~~
- 71 ~~[(b) A fee may not be charged by the department for issuance of a certificate.]~~
- 72 Section 2. Section **4-3-502** is amended to read:
- 73 **4-3-502. Exemption.**
- 26 (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk
products are used by:
- 28 (a) the owner of the farm;
- 29 (b) a member of the owner's immediate family;
- 30 (c) a nonpaying guest of the owner of the farm;

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- 31 [(e)] (d) a participant in a cow-share program; or
32 [(d)] (e) a member of a participant in a cow-share program's immediate family.
33 (2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:
35 (a) raw milk in accordance with the terms of a cow-share program agreement; or
36 (b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.

38 {Section 2. ~~Section 4-3-503 is amended to read:~~}

39 **4-3-503. Activities related to raw milk or raw milk products -- Suspension of producer's permit -- Cease and desist -- Severability not permitted.**

- 41 (1) As used in this section:
42 (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.
43 (b) "Designated agent" means a person that under contract with a producer distributes, sells, delivers, holds, stores, or offers for sale the producer's raw milk product.
45 [(b)] (c) "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.
48 [(e)] (d) "Raw milk product" means [any] raw milk or a product produced from raw milk.
49 (e) "Third party vendor" means a person that under contract with a producer takes ownership of the producer's raw milk product to distribute, sell, deliver, hold, store, or offer for sale the raw milk product.
52 [(d) "Self-owned retail store" means a retail store:]
53 [(i) of which the producer owns at least 51% of the value of the real property and tangible personal property used in the operations of the retail store; or]
55 [(ii) for which the producer has the power to vote at least 51% of any class of voting shares or ownership interest in the business entity that operates the retail store.]
57 (2) Except as provided in Subsection [(5), a] (3), a producer of a raw milk product may [be manufactured, distributed, sold, delivered, held, stored, or offered for sale] manufacture, distribute, sell, deliver, hold, store, or offer for sale a raw milk product if:
60 (a) the producer obtains a permit from the department to produce the raw milk product under Subsection 4-3-301(6);
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- [~~(b)~~ the sale and delivery of the raw milk product is made upon the premises where the raw milk product is produced, except as provided by Subsection (3);]
- 64 [~~(e)~~ the raw milk product is sold to consumers for household use and not for resale;]
- 65 [~~(d)~~ (b) the raw milk product is bottled or packaged under sanitary conditions and in sanitary containers on the premises where the raw milk product is produced;
- 67 [~~(e)~~ (c) the raw milk product is labeled "raw milk product," ~~[and]~~ meets the labeling requirements under 21 C.F.R. Parts 101 and 131~~[-and rules established]~~ , meets the labeling requirements of rules made by the department[;] , and includes the following in the label:
- 71 (i) a date, no more than nine days after the product is produced, by which the raw milk product should be sold;
- 73 (ii) the statement "Raw milk products, no matter how carefully produced, may be unsafe.";
- 75 (iii) handling instructions to preserve quality and avoid contamination or spoilage; and
- 77 (iv) a specific colored label as determined by the department by rule;
- 78 [~~(f)~~ (d) the raw milk or raw milk used to produce the raw milk product is:
- 79 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
- 81 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal; and
- 83 (iii) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is delivered to the consumer or used to produce the raw milk product;
- 85 [~~(g)~~ (e) the bacterial count of the raw milk or raw milk used to produce the raw milk product does not exceed 20,000 colony forming units per milliliter and, if the bacterial count of the raw milk or raw milk used to produce the raw milk product exceeds 40,000 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the department or a third party certified by the department shall test the raw milk ~~[shall be tested and]~~ and the raw milk may not contain the following pathogens:
- 92 (i) shiga toxin-producing e. coli;
- 93 (ii) listeria monocytogenes;
- 94 (iii) salmonella; and
- 95 (iv) campylobacter;
- 96 [~~(h)~~ (f) the coliform count of the raw milk or raw milk used to produce the raw milk product does not exceed 10 colony forming units per milliliter and, if the coliform count of the raw milk or raw

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milk used to produce the raw milk product exceeds 20 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the department or a third party certified by the department shall test the raw milk ~~[shall be tested and]~~ and the raw milk may not contain the following pathogens:

- 102 (i) shiga toxin-producing e. coli;
- 103 (ii) listeria monocytogenes;
- 104 (iii) salmonella; and
- 105 (iv) campylobacter;
- 106 ~~[(i)]~~ (g) the production of the raw milk product conforms to departmental rules for the production of raw milk or grade A milk products;
- 108 ~~[(j)]~~ (h) the dairy animals on the premises are:
- 109 (i) permanently and individually identifiable; and
- 110 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk; ~~[and]~~
- 111 ~~[(k)]~~ (i) any individual on the premises performing~~[-any]~~ work in connection with the production, bottling, packaging, handling, or sale of the raw milk product is free from communicable disease~~[-]~~ ;
- 114 ~~[(3)]~~ (j) ~~[A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product at a self-owned retail store, that is properly staffed, or]~~ when distributed, sold, delivered, held, stored, or offered from a mobile unit ~~[where]~~ , the raw milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature~~[-if, in addition to the requirements of Subsection (2), the producer:]~~ ;
- 119 (k)
- ~~[(a) transports the raw milk product-]~~ when transported from the premises where the raw milk product is produced~~[-to the self-owned retail store]~~ , the raw milk product is transported by a designated agent, a third party vendor, or other person that is not an end consumer in a refrigerated truck where the raw milk product is maintained at 41 degrees Fahrenheit or a lower temperature;
- 124 ~~[(b) retains ownership of the raw milk product until it is sold to the final consumer, including transporting the raw milk product from the premises where the raw milk product is produced to the self-owned retail store without any:]~~
- 127 ~~[(i) intervening storage;]~~
- 128 ~~[(ii) change of ownership; or]~~
- 129 ~~[(iii) loss of physical control;]~~

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- 130 ~~[(e) stores the raw milk product at 41 degrees Fahrenheit or a lower temperature in a display case equipped with a properly calibrated thermometer at the self-owned retail store;]~~
- 133 ~~[(d) places a sign above each display case that contains a raw milk product at the self-owned retail store that:]~~
- 135 ~~[(i) is prominent;]~~
- 136 ~~[(ii) is easily readable by a consumer;]~~
- 137 ~~[(iii) reads in print that is no smaller than .5 inch in bold type, "This milk product is raw and unpasteurized. Please keep refrigerated."; and]~~
- 139 ~~[(iv) meets any other requirement established by the department by rule;]~~
- 140 ~~[(e) labels the raw milk product with:]~~
- 141 ~~[(i) a date, no more than nine days after the raw milk product is produced, by which the raw milk product should be sold;]~~
- 143 ~~[(ii) the statement "Raw milk products, no matter how carefully produced, may be unsafe.";]~~
- 145 ~~[(iii) handling instructions to preserve quality and avoid contamination or spoilage;]~~
- 146 ~~[(iv) a specific colored label as determined by the department by rule; and]~~
- 147 ~~[(v) any other information required by rule;]~~
- 148 ~~[(f) refrains from offering the raw milk product for sale until:]~~
- 149 ~~[(i) the department or a third party certified by the department tests each batch of raw milk used to produce a raw milk product for standard plate count and coliform count; and]~~
- 152 ~~[(ii) the test results meet the minimum standards established for those tests;]~~
- 153 ~~[(g)~~
- ~~(i) maintains a database of the raw milk product sales; and]~~
- 154 ~~[(ii) makes the database available to the Department of Health and Human Services during the self-owned retail store's business hours for purposes of epidemiological investigation;]~~
- 157 ~~[(h) ensures that the plant and retail store complies with Chapter 5, Utah Wholesome Food Act, and the rules governing food establishments enacted under Section 4-5-301; and]~~
- 160 ~~[(i) complies with the applicable rules adopted as authorized by this chapter.]~~
- 161 (l) the producer refrains from offering the raw milk product for sale until:
- 162 (i) the department or a third party certified by the department tests each batch of raw milk or raw milk used to produce a raw milk product for standard plate count and coliform count under Subsections (2)(e) and (f); and

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- 165 (ii) the test results meet the minimum standards established under Subsections (2)(e) and (f);
167 (m) the producer ensures that the plant where the raw milk product is produced complies with Chapter
5, Utah Wholesome Food Act, and the rules governing food establishments made under Section
4-5-301; and
- 170 (n) the producer complies with the applicable rules made as authorized by this chapter.
- 171 [~~(4) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product and~~
~~pasteurized milk at the same self-owned retail store if:]~~
- 173 [~~(a) the self-owned retail store is properly staffed; and]~~
174 [~~(b) the producer:]~~
- 175 [~~(i) meets the requirements of Subsections (2) and (3);]~~
176 [~~(ii) operates the self-owned retail store on the same property where the raw milk product is produced;~~
~~and]~~
- 178 [~~(iii) maintains separate, labeled, refrigerated display cases for raw milk products and pasteurized milk.]~~
- 180 [~~(5)] (3) A producer may, without meeting the requirements of Subsection (2), sell [up to 120 gallons of~~
~~raw milk per month] raw milk if:~~
- 182 (a) the sale is directly to an end consumer, for household use and not for resale;
183 (b) the sale and delivery of the raw milk is made upon the premises where the raw milk is produced;
185 (c) the producer labels the raw milk with:
186 (i) the producer's name and address;
187 (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;
189 (iii) the statement "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no
matter how carefully produced, may be unsafe."; and
- 191 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
192 (d) the raw milk is:
193 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the
animal; and
195 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal;
197 (e) the producer conducts a monthly test ensuring the coliform count of the raw milk does not exceed 10
colony-forming units per milliliter;
199 (f) the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases
carried through milk;

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- 201 (g) the producer maintains records of tests [~~and sales~~] for a minimum of two years; and
- 202 (h) the producer notifies the department of the producer's intent to sell raw milk [~~pursuant to~~] in
203 accordance with this Subsection [~~(5)~~] (3) and includes in the notification the producer's name and
204 address.
- 205 [~~(6)~~] (4) A person who conducts a test required by Subsection [~~(3)~~] (2)(1) shall send a copy of the test
206 results to the department as soon as the test results are available.
- 207 [~~(7)~~] (5)
- (a) The department shall make rules, as authorized by Section 4-3-201 and in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, governing the sale of raw milk products at a
[~~self-owned retail store~~] food establishment, as defined in Section 4-5-102.
- 211 (b) The rules adopted by the department under Subsection (5)(a) shall include rules regarding:
- 213 (i) permits;
- 214 (ii) building and premises requirements;
- 215 (iii) sanitation and operating requirements, including bulk milk tanks requirements;
- 216 (iv) additional tests;
- 217 (v) use of a third-party testing laboratory within or outside of the state;
- 218 (vi) frequency of inspections, including random cooler checks;
- 219 (vii) recordkeeping; and
- 220 (viii) packaging and labeling.
- 221 (c) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
222 Rulemaking Act, regarding the standards of identity for a raw milk product.
- 224 (d)
- (i) The department shall establish and collect a fee for the tests and inspections required by this section
and by rule in accordance with Section 63J-1-504.
- 226 (ii) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits and
may only use the fees to administer and enforce this section.
- 228 [~~(8)~~] (6)
- (a) The department shall suspend a permit issued under Section 4-3-301 if:
- 229 (i) two out of four consecutive samples or two samples in a 30-day period violate sample limits
established under [~~this section~~] Subsections (2)(e) and (f); or
- 231 (ii) a producer violates this section or a rule [~~adopted~~] made as authorized by this section.

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- 233 (b) The department may reissue a permit that has been suspended under Subsection [~~(8)(a)~~] (6)(a) if the
producer~~[has]~~:
- 235 (i) [~~obtained]~~ obtains a sample result that meets the standards described in Subsections [~~(2)(g) and~~
~~(h)~~] (2)(e) and (f); and
- 237 (ii) [~~complied]~~ complies with all of the requirements of this section and rules made as authorized by this
section.
- 239 (c) Upon written request by a producer with a suspended permit, the department shall provide the
producer information on how to request a hearing regarding the department's decision to suspend the
permit.
- 242 [~~(9)~~]
- (a) ~~If any subsection of this section or the application of any subsection to any person or circumstance
is held invalid by a final decision of a court of competent jurisdiction, the remainder of the section
may not be given effect without the invalid subsection or application.]~~
- 246 [~~(b) The provisions of this section may not be severed.]~~
- 247 [~~(10)~~] (7)
- (a) Nothing in this chapter shall impede the Department of Health and Human Services or the
department in an investigation of a foodborne illness outbreak.
- 249 (b) Notwithstanding Subsection [~~(10)(a)~~] (7)(a), if the Department of Health and Human Services or the
department uses a survey to determine whether there is a foodborne illness outbreak linked to a raw
milk product, the survey shall include questions that probe the common sources of the implicated
pathogen for the foodborne illness outbreak.
- 254 [~~(11)~~] (8)
- (a) If after the investigation of a foodborne illness outbreak the department links the foodborne illness
outbreak to a producer, the department shall issue a cease and desist order to the producer linked to
the foodborne illness outbreak prohibiting the sale of the raw milk product pending testing required
by Subsection [~~(11)(h)(i)~~] (8)(h)(i).
- 259 (b) For purposes of the cease and desist order, to positively link a producer to a foodborne illness
outbreak, the department shall produce evidence from the investigation under Subsection [~~(10)~~] (7)
that the foodborne illness outbreak originated with the producer's raw milk product.
- 263 (c)
- (i) A producer who receives a cease and desist order from the department shall~~[:]~~

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- 264 ~~[(†)] stop the sale of the raw milk product named in the cease and desist order[; and] .~~
- 265 ~~[(ii) notify persons who purchased raw milk products from the implicated contaminated batch of the~~
~~cease and desist order.]~~
- 267 (ii) Subject to the requirements of Subsection (8)(g):
- 268 (A) the Department of Health and Human Services may, in accordance with Section 26B-1-202, notify
the public of a foodborne illness outbreak tied to a raw milk product; and
- 271 (B) a local health department may notify the public of a foodborne illness outbreak tied to a raw milk
product.
- 273 (d) The department shall collect a sample within two working days of issuing a cease and desist order
for the purpose of submitting the sample to a laboratory for:
- 275 (i) testing for pathogens; and
- 276 (ii) if the department wants to publicly disclose a producer's name or identifying information under
Subsection ~~[(†)(g)]~~ (8)(g), whole genome sequencing testing.
- 278 (e) The time between the department collecting the sample under Subsection ~~[(†)(d)]~~ (8)(d) and the
department notifying the producer of whole genome sequencing test results may not exceed 15
working days unless before the 15-working day period expires the department notifies the producer
in writing that the department requires additional time to notify the producer of the whole genome
sequencing test results.
- 283 (f)
- (i) Upon the producer's request and the producer being liable for the costs of the second laboratory,
the department shall have the sample collected under Subsection ~~[(†)(d)]~~ (8)(d) analyzed by two
laboratories.
- 286 (ii) The producer shall select the second laboratory from a list of laboratories approved by the
department.
- 288 (g)
- (i) Before publicly disclosing a producer's name or identifying information, the department shall notify
the producer that the department has linked the producer to a foodborne illness outbreak with a
positive whole genome sequencing test.
- 291 (ii) Before publicly disclosing a producer's name or identifying information, the Department of Health
and Human Services or a local health department shall verify that the department has notified the

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producer that the department has linked the producer to a foodborne illness with a positive whole genome sequencing test.

295 (h)

(i) A cease and desist order shall remain in effect until the department:

296 (A) verifies that the producer who is subject to the cease and desist order adheres to this section and has three consecutive tests of the raw milk product that show that the raw milk product meets the standards described in Subsections [~~(2)(g) and (h)~~] (2)(e) and (f) and is free of the pathogens listed in Subsections [~~(2)(g) and (h)~~] (2)(e) and (f); or

301 (B) receives a genome sequencing test result that demonstrates that the producer's raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order.

304 (ii) The department shall notify a producer who is subject to a cease and desist order that the cease and desist order is not in effect within one working day of the conditions of Subsection [~~(11)(h)(i)~~] (8)(h)(i) being met.

307 (iii) For purposes of a test described in Subsection [~~(11)(h)(i)(A)~~] (8)(h)(i)(A), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.

310 [~~(12)~~] (9)

(a) If the Department of Health and Human Services or the department links a producer's raw milk product to a foodborne illness outbreak and the department finds that the producer has violated this section, the department may impose upon the producer the following administrative penalties:

314 (i) upon the first violation, a penalty of no more than \$300;

315 (ii) upon a second violation, a penalty of no more than \$750; and

316 (iii) upon a third or subsequent violation a penalty of no more than \$1,500.

317 (b) The department may impose the penalties described in Subsection [~~(12)(a)~~] (9)(a) in addition to:

319 (i) issuing a cease and desist order under Subsection [~~(11)~~] (8); or

320 (ii) suspending a permit under Subsection [~~(8)~~] (6).

321 (10)

(a) If any subsection of this section or the application of any subsection to any person or circumstance is held invalid by a final decision of a court, the remainder of the section may not be given effect without the invalid subsection or application.

324 (b) The provisions of this section may not be severed.

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86 Section 3. Section 3 is enacted to read:

87

Part 6. Raw Milk

88

4-3-601. Definitions.

As used in this part:

90

(1) "Accredited laboratory" means a laboratory that is accredited by a nationally recognized organization.

92

(2) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.

94

(3) "Designated agent" means a person that under contract with a producer, without ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the producer's raw milk or raw milk product.

97

(4) "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.

99

(5) "Market" means a retail location, other than the premises where the raw milk is produced, that is registered with the department as a food establishment in accordance with Section 4-5-301 and where raw milk or a raw milk product is offered for sale directly to a consumer.

103

(6) "Premises" means the property and facilities used for the:

104

(a) housing or milking of lactating animals; or

105

(b) processing, storage, or sale of raw milk or a raw milk product.

106

(7) "Producer" means a person that owns lactating animals and bottles, packages, or sells raw milk or a raw milk product.

108

(8) "Raw milk" means milk from a lactating animal that has not been pasteurized.

109

(9) "Raw milk product" means a product produced from raw milk.

110

(10) "Third party vendor" means a person that under contract with a producer takes ownership of the producer's raw milk or raw milk product to distribute, sell, deliver, hold, store, or offer for sale the raw milk or raw milk product to a market.

113

Section 4. Section 4 is enacted to read:

114

4-3-602. General operational requirements -- Requirements for markets.

115

(1)

(a) Except as provided in Section 4-3-607, a producer of raw milk or a raw milk product may manufacture, distribute, sell, deliver, hold, store, or offer for sale the raw milk or the raw milk

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product in accordance with this part if the producer notifies the department in writing of the producer's intention to produce raw milk or a raw milk product.

- 120 (b) The notice required by this Subsection (1) shall include:
- 121 (i) the producer's name and address;
- 122 (ii) the intended method of sale of the raw milk or raw milk product, including direct-to-consumer,
through a market, or both direct-to-consumer and through a market; and
- 125 (iii) the species of animal used to produce the raw milk.
- 126 (c)
- (i) Upon receipt of the notice required by this Subsection (1), the department shall provide the producer
an information packet containing information about the operational requirements expressly stated in
this part and best practices for the production and sale of raw milk or a raw milk product.
- 130 (ii) The department may provide an information packet under this Subsection (1)(c) electronically if the
producer provides an electronic address to which the information packet may be sent.
- 133 (2) A producer shall bottle or package raw milk or a raw milk product under sanitary conditions and in
sanitary containers on the premises where the raw milk or the raw milk product is produced.
- 136 (3)
- (a) A producer shall cool raw milk or raw milk used to produce a raw milk product to:
- 137 (i) 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the
animal; and
- 139 (ii) 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal.
- 141 (b) A producer shall maintain the raw milk described in Subsection (3)(a) at 41 degrees Fahrenheit or a
lower temperature until the raw milk is sold to a consumer or used to produce a raw milk product.
- 144 (c) A producer shall ensure that when raw milk or a raw milk product is distributed, sold, delivered,
held, stored, or offered from a mobile unit, the raw milk or raw milk product is maintained through
mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.
- 148 (d) When a producer transports raw milk or a raw milk product from the premises where the raw milk
or raw milk product is produced, the producer shall ensure that the raw milk or raw milk product is
transported by a designated agent, a third party vendor, or employee of the producer in a mobile unit
with mechanical refrigeration where the raw milk or raw milk product is maintained at 41 degrees
Fahrenheit or a lower temperature.
- 154 (4) A producer shall ensure that the raw milk producing animals on the premises of the producer are:

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- 156 (a) permanently and individually identifiable; and
157 (b) free of tuberculosis, brucellosis, and other diseases carried through milk.
158 (5) A producer shall ensure that an individual on the premises who performs work in connection with
the production, bottling, packaging, handling, or sale of raw milk or a raw milk product is free from
communicable disease.
161 (6) A producer shall keep a record for two years of any veterinary care of raw milk producing animals
on the premises of the producer.
163 (7) A producer shall issue the recall notice for raw milk or a raw milk product on the producer's website
and social media, if any, if the department links the producer to a foodborne illness outbreak with a
positive whole genome sequencing test under Subsection 4-3-605(5).
167 (8) A market shall display raw milk or a raw milk product in a manner that is separate from pasteurized
milk or pasteurized milk products.
169 (9) A market shall maintain the following records for three months:
170 (a) a bill of lading; and
171 (b) an invoice.

172 Section 5. Section 5 is enacted to read:

173 **4-3-603. Prohibited counts or drug residue.**

- 174 (1) The somatic cell count in unpackaged raw milk for retail sale may not exceed:
175 (a) 400,000 cells per milliliter for raw milk produced from cows; or
176 (b) 1,500,000 cells per milliliter for raw milk produced from goats.
177 (2) The bacterial count of raw milk or raw milk used to produce a raw milk product may not exceed
20,000 colony forming units per milliliter.
179 (3) The coliform count of raw milk or raw milk used to produce a raw milk product may not exceed 10
colony forming units per milliliter.
181 (4) Raw milk or raw milk used to produce a raw milk product may not contain drug residue above the
tolerance levels recommended by the United States Food and Drug Administration.
184 (5)
(a) A producer shall test for compliance with this section through an accredited laboratory at least
monthly.
186 (b) A producer shall retain a record of test results for at least six months from receipt of the test results.
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(c) A producer is required to provide the department test results only if requested by the department after the producer is linked to a foodborne illness outbreak.

190 Section 6. Section 6 is enacted to read:

191 **4-3-604. Labeling.**

192 (1) A producer shall label the container of raw milk or a raw milk product in accordance with this section.

194 (2) A producer shall label the container described in Subsection (1) with:

195 (a) a date, no more than nine days after the raw milk or raw milk product is produced, by which the raw milk or raw milk product should be sold;

197 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced, may be unsafe.";

199 (c) handling instructions to preserve quality and avoid contamination or spoilage;

200 (d) the producer's name and address;

201 (e) the species of animal used to produce the raw milk;

202 (f) the ingredient list; and

203 (g) an allergen statement meeting federal requirements for milk.

204 Section 7. Section 7 is enacted to read:

205 **4-3-605. Foodborne illness outbreak -- Cease and desist.**

206 (1)

(a) Nothing in this chapter shall impede the Department of Health and Human Services or the department in an investigation of a foodborne illness outbreak.

208 (b) Notwithstanding Subsection (1)(a), if the Department of Health and Human Services or the department uses a survey to determine whether there is a foodborne illness outbreak linked to raw milk or a raw milk product, the survey shall include questions that probe the common sources of the implicated pathogen for the foodborne illness outbreak.

213 (2)

(a) The department shall issue a cease and desist order to a producer prohibiting the sale of raw milk or a raw milk product if:

215 (i) a person sells raw milk or a raw milk product before notifying the department in accordance with Subsection 4-3-602(1) of the intent to produce raw milk or a raw milk product;

218 (ii) after the investigation of a foodborne illness outbreak, the department links the producer's raw milk or raw milk product to a foodborne illness outbreak;

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- 220 (iii) after an inspection of a market, the department finds that the producer's raw milk or raw milk
221 product is adulterated or misbranded on the basis of a container found at the market that is
222 sealed and not tampered with as verified by an employee of the market; or
- 224 (iv) after a receipt of a complaint from the public, the department finds the producer's raw milk or
225 raw milk product is adulterated or misbranded on the basis of the verified complaint.
- 227 (b) A verified complaint for purposes of Subsection (2)(a)(iv) means that the department:
- 228 (i) bases the department's actions on a container that was sealed and not tampered with as verified by
229 the complainant; and
- 230 (ii) discloses to the producer before issuing the cease and desist order:
- 231 (A) the name of the complainant; and
- 232 (B) the facts the department verified that underly the complaint.
- 233 (c) For purposes of the cease and desist order, to positively link a producer to a foodborne illness
234 outbreak, the department shall produce evidence from the investigation under Subsection (1) that the
235 foodborne illness outbreak originated with the specific producer's raw milk or raw milk product.
- 237 (d) A producer who receives a cease and desist order from the department shall stop the sale of the raw
238 milk or raw milk product named in the cease and desist order.
- 239 (3)
- 240 (a) A cease and desist order shall remain in effect until the sooner of:
- 241 (i) 14 days after the day on which the cease and desist order is issued;
- 242 (ii) the day on which the department:
- 243 (A) verifies that the producer who is subject to the cease and desist order has three consecutive
244 tests of the raw milk or raw milk product that show that the raw milk or raw milk product meet
245 the standards described in Subsections 4-3-603(2) and (3) and is free of the pathogens listed in
246 Subsection (3)(b); or
- 247 (B) if the cease and desist order is issued on the basis of a foodborne illness outbreak, receives a
248 genome sequencing test result that demonstrates that the producer's raw milk or raw milk product is
249 not linked to the foodborne illness outbreak that is the subject of the cease and desist order; or
- 250 (iii) if the cease and desist order is issued based on misbranding, the day on which the producer
251 corrects the misbranding.
- 252 (b) The pathogens referred to in Subsection (3)(a)(ii)(A) are the following:
- 253 (i) shiga toxin-producing e. coli;

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- 254 (ii) listeria monocytogenes;
255 (iii) salmonella; and
256 (iv) campylobacter.
- 257 (c) The department shall notify a producer who is subject to a cease and desist order that the cease and
desist order is not in effect within one working day of the conditions of Subsection (3)(a) being met.
- 260 (4)
- (a) The department shall collect a sample within two working days of issuing a cease and desist order
for the purpose of the department testing or submitting the sample to an accredited laboratory for
testing, at the discretion of the producer, for:
- 263 (i) purposes of Subsection (3)(a)(ii); and
264 (ii) if the department wants to publicly disclose a producer's name or identifying information under
Subsection (5), whole genome sequencing testing.
- 266 (b) For purposes of a test described in Subsection (3)(a)(ii), the department shall collect a sample for
each test within two working days of the producer requesting that a sample be collected.
- 269 (c) The time between the department collecting the sample under Subsection (4)(a)(ii) and the
department notifying the producer of whole genome sequencing test results may not exceed 15
working days unless, before the 15-working day period expires, the department notifies the producer
in writing that the department requires additional time to notify the producer of the whole genome
sequencing test results.
- 274 (d)
- (i) Upon the producer's request and the producer being liable for the costs of the second laboratory,
the department shall have the sample collected under Subsection (4)(a) analyzed by two accredited
laboratories.
- 277 (ii) The producer shall select the second accredited laboratory.
- 278 (5)
- (a) Subject to the requirements of Subsection (5)(b), the following may notify the public of a foodborne
illness outbreak linked to raw milk or a raw milk product:
- 280 (i) the department;
281 (ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and
283 (iii) a local health department.
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(b) Before an agency listed in Subsection (5)(a) may publicly disclose a producer's name or identifying information, the department shall notify the producer that the department has linked the producer to a foodborne illness outbreak with a positive whole genome sequencing test.

288 (c) Before publicly disclosing a producer's name or identifying information under Subsection (5)(b), the Department of Health and Human Services or a local health department shall verify that the department notified the producer that the department has linked the producer to a foodborne illness with a positive whole genome sequencing test.

293 (6) Upon written request by a producer with a cease and desist order, the department shall provide the producer information on how to request a hearing regarding the department's decision to issue the cease and desist order.

296 Section 8. Section 8 is enacted to read:

297 **4-3-606. Department testing, inspecting, or other actions -- Penalties and enforcement.**

299 (1) The department may do the following only during a cease and desist order issued under Section 4-3-605:

301 (a) collect a sample of raw milk or a raw milk product;

302 (b) provide for the testing of a sample of raw milk or a raw milk product; or

303 (c) inspect the premises of a producer.

304 (2)

(a) The department may establish and collect a fee in accordance with Section 63J-1-504 for the taking of a sample, testing, or an inspection conducted in accordance with this part.

307 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated credit and may only use the fee to administer and enforce this part.

309 (3)

(a) If the Department of Health and Human Services or the department links a producer's raw milk or raw milk product to a foodborne illness outbreak and the department finds that the producer has violated this part, the department may impose upon the producer the following administrative penalties:

313 (i) upon the first violation, a penalty of no more than \$500;

314 (ii) upon a second violation, a penalty of no more than \$1,000; and

315 (iii) upon a third or subsequent violation, a penalty of no more than \$3,000.

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(b) The department may impose the penalties described in Subsection (3)(a) in addition to issuing a cease and desist order under Section 4-3-605.

318 (4) Notwithstanding the other provisions of this title, the department may not impose a penalty or take any other action against a producer except for an action expressly provided for in this part.

321 Section 9. Section **9** is enacted to read:

322 **4-3-607. Exemption for on-premise sales.**

323 (1) A producer may, without meeting the requirements of Sections 4-3-602, 4-3-603, and 4-3-604, sell raw milk if the producer complies with this section.

325 (2) To be exempt under this section, the producer shall:

326 (a) sell the raw milk to a consumer for household use and not for resale;

327 (b) sell and deliver the raw milk upon the premises where the raw milk is produced;

328 (c) label the raw milk with:

329 (i) the producer's name and address;

330 (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;

332 (iii) the statement: "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no matter how carefully produced, may be unsafe."; and

334 (iv) handling instructions to preserve quality and avoid contamination or spoilage;

335 (d) cool the raw milk:

336 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
and

338 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;

340 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-forming units per milliliter;

342 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases carried through milk;

344 (g) maintain records of tests for a minimum of six months; and

345 (h) notify the department of the producer's intent to sell raw milk in accordance with this section and include in the notification the producer's name and address.

347 Section 10. Section **10** is enacted to read:

348 **4-3-608. Severability.**

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(1) If any section, subsection, or provision of this part or the application of any section, subsection, or provision to any person or circumstance is held invalid by a final decision of a court with jurisdiction, the remainder of the part may not be given effect without the invalid section, subsection, provision, or application.

353 (2) The provisions of this part may not be severed.

354 Section 11. **Repealer.**

This Bill Repeals:

355 This bill repeals:

356 Section **4-3-503, Sale of raw milk products -- Suspension of producer's permit --**

357 **Severability not permitted.**

358 Section 12. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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