

HB0179S03 compared with HB0179

~~{Omitted text}~~ shows text that was in HB0179 but was omitted in HB0179S03

inserted text shows text that was not in HB0179 but was inserted into HB0179S03

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1

Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor: Kirk A. Cullimore

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LONG TITLE

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General Description:

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This bill addresses the regulation of milk or milk products.

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Highlighted Provisions:

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This bill:

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▶ modifies an exemption from certain dairy regulations;

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▶ ~~{ modifies the definition provision, including the definition of "raw milk product"; }~~

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▶ ~~{ removes provisions related to self-owned retail stores; }~~

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▶ defines terms;

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▶ ~~{ addresses the sale of and other activities }~~ outlines general requirements related to raw milk

~~{ and }~~ or raw milk products;

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▶ addresses prohibited counts in raw milk;

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▶ prescribes labeling;

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▶ provides for the suspension and reissuance of permits;

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▶ addresses foodborne illness outbreaks;

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▶ addresses cease and desist orders;

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- 12 ▶ {~~modifies~~} addresses rulemaking; {and}
- 17 ▶ provides for fees;
- 18 ▶ imposes penalties;
- 19 ▶ exempts from certain requirements sales or deliveries of raw milk or raw products from a
farm;
- 21 ▶ provides for an exemption for small producers;
- 22 ▶ provides for no severability; and
- 13 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

25 None

Other Special Clauses:

27 None

Utah Code Sections Affected:

AMENDS:

30 4-3-301 , as last amended by Laws of Utah 2023, Chapter 528

31 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:

33 4-3-601 , Utah Code Annotated 1953

34 4-3-602 , Utah Code Annotated 1953

35 4-3-603 , Utah Code Annotated 1953

36 4-3-604 , Utah Code Annotated 1953

37 4-3-605 , Utah Code Annotated 1953

38 4-3-606 , Utah Code Annotated 1953

39 4-3-607 , Utah Code Annotated 1953

40 4-3-608 , Utah Code Annotated 1953

41 4-3-609 , Utah Code Annotated 1953

42 4-3-610 , Utah Code Annotated 1953

REPEALS:

44 4-3-503 , as last amended by Laws of Utah 2025, Chapter 58

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

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

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

- (1) Application 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 prescribed and furnished by the department.
- (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.
- (3) A permit issued under this section expires at midnight on December 31 of each year.
- (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.
- (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]~~ 4-3-601, shall be made to the department on forms prescribed and furnished by the department.
- (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.
 - (b) A fee may not be charged by the department for issuance of a certificate.

Section 2. Section 4-3-502 is amended to read:

4-3-502. Exemption.

- (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk products are used by:
 - (a) the owner of the farm;
 - (b) a member of the owner's immediate family;
 - (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);
- 62

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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 ~~[(11)(g)]~~ (8)(g), whole genome sequencing testing.
- 278 (e) The time between the department collecting the sample under Subsection ~~[(11)(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 ~~[(11)(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:

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(1) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.

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(2) "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.

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(3) "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.

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

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(a) housing or milking of lactating animals; or

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

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

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

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

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(8) "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.

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Section 4. Section 4 is enacted to read:

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4-3-602. General operational requirements.

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(1) Except as provided in Section 4-3-608 or 4-3-609, 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 raw milk product in accordance with this part.

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(2) To engage in an activity listed in Subsection (1), the producer shall:

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(a) obtain a permit from the department in accordance with Subsection 4-3-301(6);

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(b) conduct the sale and delivery of the raw milk product on the premises where the raw milk or raw milk product is produced, except as provided by Subsection (3);

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(c) sell raw milk or a raw milk product to a consumer for household use and not for resale;

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- (d) 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 raw milk product is produced;
- 120 (e)
- (i) cool raw milk or the raw milk used to produce the raw milk product:
- 121 (A) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and
- 123 (B) to 41 degrees Fahrenheit within two hours of being drawn from the animal; and
- 125 (ii) maintain raw milk 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;
- 127 (f) ensure that the production of raw milk or a raw milk product conforms to departmental rules for the production of grade A milk products;
- 129 (g) ensure that the dairy animals on the premises are:
- 130 (i) permanently and individually identifiable; and
- 131 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk;
- 132 (h) ensure that any individual on the premises performing any work in connection with the production, bottling, packaging, handling, or sale of raw milk or a raw milk product is free from communicable disease;
- 135 (i) refrain from offering raw milk or a raw milk product for sale until:
- 136 (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 the standard bacterial count and coliform count described in Section 4-3-603; and
- 139 (ii) the test results meet the minimum standards established under Section 4-3-603 for the tests taken under this Subsection (2)(i);
- 141 (j) ensure that the plant complies with Chapter 5, Utah Wholesome Food Act, and the rules governing food establishments enacted under Section 4-5-301; and
- 143 (k) comply with the applicable rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this chapter.
- 145 (3)
- (a) A producer may distribute, sell, deliver, hold, store, or offer raw milk or a raw milk product from a mobile unit, if the raw milk or raw milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.

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148 (b) A producer may transport raw milk or a raw milk product from the premises where the raw milk
or raw milk product is produced and sell the raw milk or raw milk product at a retail establishment
if the producer ensures 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 person who conducts a test required by Subsection (2)(i) shall send a copy of the test results to the
department as soon as the test results are available.

156 Section 5. Section 5 is enacted to read:

157 **4-3-603. Prohibited counts -- Pathogens.**

158 (1)

(a) 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.

160 (b) If the bacterial count of raw milk or the raw milk used to produce the raw milk product exceeds
40,000 colony forming units per milliliter or if the producer is implicated in a foodborne illness
outbreak:

163 (i) the department or third party certified by the department shall test the raw milk; and

165 (ii) the raw milk may not contain a pathogen listed in Subsection (3).

166 (2)

(a) 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.

168 (b) If the coliform count of raw milk or the raw milk used to produce the raw milk product exceeds 20
colony forming units per milliliter or if the producer is implicated in a foodborne illness outbreak:

171 (i) the department or third party certified by the department shall test the raw milk; and

173 (ii) the raw milk may not contain a pathogen listed in Subsection (3).

174 (3) The pathogens described in Subsections (1) and (2) are:

175 (a) shiga toxin-producing e. coli;

176 (b) listeria monocytogenes;

177 (c) salmonella; and

178 (d) campylobacter.

179 Section 6. Section 6 is enacted to read:

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180 **4-3-604. Labeling.**

- 181 (1) A producer shall label the container of raw milk or a raw milk product with a label that states "raw
milk" or "raw milk product" and meets the labeling requirements under 21 C.F.R. Parts 101 and 131
and rules made by the department.
- 184 (2) In addition to complying with Subsection (1), a producer shall label the container described in
Subsection (1) with:
- 186 (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;
- 188 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced, may be unsafe.";
- 190 (c) handling instructions to preserve quality and avoid contamination or spoilage;
- 191 (d) a specific colored label as determined by the department by rule; and
- 192 (e) any other information required by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.

194 Section 7. Section 7 is enacted to read:

195 **4-3-605. Suspension of permit.**

- 196 (1) The department shall suspend a permit issued under Section 4-3-301 if:
- 197 (a) two out of four consecutive samples or two samples in a 30-day period violate standards established
under Section 4-3-603; or
- 199 (b) a producer violates this part or a rule made by the department, in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part.
- 202 (2) The department may reissue a permit that has been suspended under this section if the producer:
- 204 (a) obtains a test result that meets the standards described in Subsections 4-3-603(1) and (2); and
- 206 (b) complies with all of the requirements of this part and rules made by the department, in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part.
- 209 (3) 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.

212 Section 8. Section 8 is enacted to read:

213 **4-3-606. Foodborne illness outbreak -- Cease and desist.**

- 214 (1)

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- 216 (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.
- 221 (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.
- 225 (2)
- 229 (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 after the investigation of a foodborne illness outbreak the department links the foodborne illness outbreak to a producer pending testing required by Subsection (4).
- 231 (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 (1) that the foodborne illness outbreak originated with the producer's raw milk or raw milk product.
- 233 (c) A producer who receives a cease and desist order from the department shall stop the sale of the raw milk product named in the cease and desist order.
- 237 (3)
- 241 (a) Subject to the requirements of Subsection (3)(b), the following may notify the public of a foodborne illness outbreak linked to raw milk or a raw milk product:
- 246 (i) the department;
- 247 (ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and
- (iii) a local health department.
- (b) Before an agency listed in Subsection (3)(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.
- (c) Before publicly disclosing a producer's name or identifying information under Subsection (3)(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.
- (4)
- (a) A cease and desist order shall remain in effect until the department:

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- (i) verifies that the producer who is subject to the cease and desist order adheres to this part and has three consecutive tests of the raw milk product that show that the raw milk product meets the standards described in Subsections 4-3-603(1) and (2) and is free of the pathogens listed in Subsection 4-3-603(3); or
- 251 (ii) 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.
- 254 (b) 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 (4)(a) being met.
- 257 (5)
- (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 a laboratory for testing, at the discretion of the producer:
- 260 (i) for purposes of testing for a pathogen listed in Subsection 4-3-603(3); and
- 261 (ii) if the department wants to publicly disclose a producer's name or identifying information under Subsection (3), whole genome sequencing testing.
- 263 (b) For purposes of a test described in Subsection (4)(a)(i), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.
- 266 (c) The time between the department collecting the sample under Subsection (5)(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.
- 271 (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 (5)(a) analyzed by two laboratories.
- 274 (ii) The producer shall select the second laboratory from a list of laboratories approved by the department.
- 276 (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.

279 Section 9. Section 9 is enacted to read:

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- 280 **4-3-607. Department rulemaking -- Fees -- Penalties and enforcement.**
- 281 (1)
- (a) Rules made by the department, in accordance with Title 63G, Chapter 3, Utah Administrative
 Rulemaking Act, shall include rules regarding:
- 283 (i) permits;
- 284 (ii) building and premises requirements;
- 285 (iii) sanitation and operating requirements, including bulk milk tank requirements;
- 286 (iv) additional tests;
- 287 (v) use of a third-party testing laboratory within or outside of the state;
- 288 (vi) frequency of inspections, including random cooler checks;
- 289 (vii) recordkeeping; and
- 290 (viii) packaging and labeling.
- 291 (b) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 Rulemaking Act, regarding the standards of identity for a raw milk product.
- 294 (c) A producer operating under Section 4-3-608 or 4-3-609 is exempt from a rule made by the
 department under this part.
- 296 (2)
- (a) The department may establish and collect a fee in accordance with Section 63J-1-504 for the testing
 or an inspection conducted in accordance with this part.
- 298 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee imposed under this
 Subsection (2) as a dedicated credit and may only use the fee to administer and enforce this part.
- 301 (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:
- 305 (i) upon the first violation, a penalty of no more than \$300;
- 306 (ii) upon a second violation, a penalty of no more than \$750; and
- 307 (iii) upon a third or subsequent violation, a penalty of no more than \$1,500.
- 308 (b) The department may impose the penalties described in Subsection (2)(a) in addition to:
- 310 (i) suspending a permit under Section 4-3-605; or

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311 (ii) issuing a cease and desist order under Section 4-3-606.

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

313 **4-3-608. Exemption for sales and deliveries from farm.**

314 (1) A producer may sell raw milk or a raw milk product if the producer complies with this section without:

316 (a) obtaining a permit under Section 4-3-301; or

317 (b) meeting the requirements of Sections 4-3-602 through 4-3-605.

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

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

321 (b) sell and deliver the raw milk or raw milk product upon the premises where the raw milk or raw milk product is produced, except the producer may use a designated agent to deliver the raw milk or raw milk product directly to the consumer who purchases the raw milk or raw milk product;

325 (c) label the raw milk or raw milk product with:

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

327 (ii) 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;

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

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

333 (d) cool the raw milk or raw milk used to produce a raw milk product:

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

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

338 (e) conduct a monthly test ensuring the coliform count of the raw milk or the raw milk used to produce a raw milk product does not exceed 10 colony-forming units per milliliter;

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

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

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

347 Section 11. Section **11** is enacted to read:

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348 **4-3-609. Exemption for small producers.**

Notwithstanding the other provisions of this part, a producer may manufacture, distribute, sell, deliver, hold, store, or offer for sale raw milk or a raw milk product without obtaining a permit or complying with this part if the producer produces 500 gallons of raw milk or less in a month that the producer:

353 (1) maintains as raw milk; or

354 (2) uses to produce a raw milk product.

355 Section 12. Section 12 is enacted to read:

356 **4-3-610. Severability.**

357 (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.

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

362 Section 13. **Repealer.**

This Bill Repeals:

363 This bill repeals:

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

365 **Severability not permitted.**

366 Section 14. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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