

HB0179S04 compared with HB0179

~~{Omitted text}~~ shows text that was in HB0179 but was omitted in HB0179S04

inserted text shows text that was not in HB0179 but was inserted into HB0179S04

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Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor: Kirk A. Cullimore

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3 LONG TITLE

4 General Description:

5 This bill addresses the regulation of raw milk ~~{or}~~ and raw milk products.

6 Highlighted Provisions:

7 This bill:

8 ▶ ~~{modifies an exemption from certain regulations;}~~

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

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

8 ▶ defines terms;

11 ▶ ~~{addresses the sale of and other activities related to}~~ requires a permit to produce and sell raw

12 milk ~~{and}~~ or a raw milk ~~{products}~~ product;

10 ▶ provides for suspension and reinstatement of a permit;

11 ▶ provides for general operational requirements, including routine testing;

12 ▶ addresses signage, labeling, and marketing material;

13 ▶ addresses foodborne illness outbreaks;

14 ▶ addresses testing and inspections;

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- 12 ▶ { ~~modifies rulemaking~~ } provides for enforcement and penalties; and
- 13 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

18 None

Other Special Clauses:

20 None

Utah Code Sections Affected:

AMENDS:

23 **4-3-301 , as last amended by Laws of Utah 2023, Chapter 528**

20 ~~{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:

25 **4-3-601 , Utah Code Annotated 1953**

26 **4-3-602 , Utah Code Annotated 1953**

27 **4-3-603 , Utah Code Annotated 1953**

28 **4-3-604 , Utah Code Annotated 1953**

29 **4-3-605 , Utah Code Annotated 1953**

30 **4-3-606 , Utah Code Annotated 1953**

REPEALS:

32 **4-3-503 , as last amended by Laws of Utah 2025, Chapter 58**

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

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

36 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal -- Raw milk.**

38 (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.

42 (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

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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.

- 47 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 48 (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.
- 53 (5) Notwithstanding the requirements of Subsection (1), ~~application~~ a person shall apply to the department 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-]~~ on a form prescribed and furnished by the department.
- 57 (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.
- 60 (b) A fee may not be charged by the department for issuance of a certificate.
- 61 (7) In accordance with Part 6, Raw Milk, a person shall obtain a permit from the department to produce and sell raw milk or a raw milk product, as those terms are defined in Section 4-3-601.

24 ~~{Section 1. Section 4-3-502 is amended to read: }~~

25 **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;
- 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

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(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 ~~[(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 ~~[(c) 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;

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~~[(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 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;

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- 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;~~]
- 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;~~]

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- 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)~~]
- 154 [~~(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
- 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.

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- 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;
- 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
accordance with this Subsection [~~(5)] (3) and includes in the notification the producer's name and
address.~~

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206 [(6)] (4) A person who conducts a test required by Subsection [(3)] (2)(1) shall send a copy of the test 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 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.

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

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- 237 (ii) ~~[eomplied]~~ 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~~[:]~~
~~[(i)]~~ 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):

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- 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
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

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(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.

64 Section 2. Section 2 is enacted to read:

65

Part 6. Raw Milk

66

4-3-601. Definitions.

As used in this part:

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- 68 (1) "Approved laboratory" means a laboratory accredited by a nationally recognized organization and
approved by the department.
- 70 (2) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or
household use.
- 72 (3) "Delivery provider" means a person who under contract with a producer delivers raw milk or a raw
milk product to a consumer or market.
- 74 (4) "Destruction" means to dispose of raw milk or a raw milk product in a manner that prevents use or
consumption of the raw milk or raw milk product.
- 76 (5) "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.
- 78 (6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.
- 80 (7) "Market" means a retail location or establishment other than the premises of the producer 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.
- 84 (8) "Premises" means the property or facility used for the:
- 85 (a) housing or milking of lactating animals; or
- 86 (b) processing, storage, or sale of raw milk or a raw milk product.
- 87 (9) "Producer" means a person that owns a lactating animal and produces, bottles, packages, or sells raw
milk or a raw milk product.
- 89 (10) "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 90 (11) "Raw milk product" means a product produced from raw milk.

91 Section 3. Section 3 is enacted to read:

4-3-602. Permit required -- Suspension of permit.

- 93 (1) A person may not produce and sell raw milk or a raw milk product without a permit issued by the
department under this section.
- 95 (2) The permit application shall include:
- 96 (a) the intended method of sale, including direct-to-consumer, by a market, or both direct-to-consumer
and by a market;
- 98 (b) a declaration of understanding and intent to comply with this part;
- 99 (c) an example of signage and labeling compliant with Section 4-3-604;
- 100 (d) the species of lactating animals that produces the raw milk;

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- 101 (e) a permit number assigned by the department;
102 (f) a recall plan compliant with Subsection 4-3-603(7);
103 (g) whether raw milk will be sold;
104 (h) the type of a raw milk product, if any, that will be produced or sold including the type of cheese that
will be produced or sold; and
106 (i) other information requested by the department by rule made in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act.
108 (3)
(a) Subject to Subsection (3)(c), a permit is valid for the calendar year in which the person is issued a
permit.
110 (b) To renew a permit, a person shall file a renewal application with the department by no later than
December 31.
112 (c) If a producer changes information listed in Subsection (2), the producer shall submit a new permit
application by no later than 30 days before the change and mark that the permit application is an
updated application.
115 (4)
(a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for issuing or
renewing a permit under this part.
117 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee under this Subsection (4) as
a dedicated credit and may only use the fee to administer and enforce this part.
120 (5)
(a) The department shall suspend a permit issued under this section if three out of five consecutive
samples violate a standard established under Subsection 4-3-603(8).
122 (b) The department may reissue a permit that has been suspended under Subsection (5)(a) if the
producer:
124 (i) obtains three consecutive tests that meet all the standards described in Subsection 4-3-603(8); and
126 (ii) complies with all of the requirements of this part and rules made as authorized by this part.
128 (c) A person whose permit is suspended under this section may appeal the action in accordance with
Title 63G, Chapter 4, Administrative Procedures Act.

130 Section 4. Section 4 is enacted to read:

131 **4-3-603. General operational requirements.**

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- 132 (1)
- (a) A person may produce raw milk only from an animal owned by a producer permitted by the department.
- 134 (b) Raw milk shall originate from a lactating animal, including a cow, goat, or sheep.
- 135 (2) A person may sell raw milk or a raw milk product only within Utah.
- 136 (3)
- (a) A producer shall obtain regular services by a licensed veterinarian for the producer's herd of lactating animals.
- 138 (b) Subject to Subsection (10), a producer shall maintain veterinary care records, including:
- 140 (i) routine herd health checks;
- 141 (ii) disease screening;
- 142 (iii) treatment documentation; and
- 143 (iv) withdrawal period verification.
- 144 (c) A producer shall:
- 145 (i) comply with a withdrawal period after animal treatment;
- 146 (ii) routinely screen for mastitis or illness; and
- 147 (iii) refrain from selling raw milk or a raw milk product from a sick animal.
- 148 (4)
- (a) A person may not sell raw milk or a raw milk product through a food service establishment or under Chapter 5a, Home Consumption and Homemade Food Act.
- 150 (b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a food service establishment.
- 152 (c) A producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the premises where that raw milk is produced unless:
- 154 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery provider; and
- 156 (ii) the label on the raw milk or raw milk product is not changed from the label required under Section 4-3-604 placed on the raw milk or raw milk product by the producer.
- 159 (5)
- (a) A person shall cool raw milk to 41 degrees Fahrenheit or below within two hours of milking and maintain the raw milk or a raw milk product at or below 41 degrees Fahrenheit at all times.

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- 162 (b) A producer shall use a raw milk container that is tamper-resistant, food-grade, and compliant with
the labeling requirements of Section 4-3-604.
- 164 (6)
- (a) A producer shall use a separate enclosed facility for:
- 165 (i) animal housing;
- 166 (ii) milking; and
- 167 (iii) processing and packaging.
- 168 (b) Premises used for milking or processing and packaging shall meet the sanitation standards adopted
by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.
- 171 (7)
- (a) A producer shall implement a recall plan approved by the department.
- 172 (b) If a producer recalls raw milk or a raw milk product, the producer shall publish notice of the recall
on the producer's website and social media, if any.
- 174 (8) Raw milk or a raw milk product may not contain:
- 175 (a) aerobic bacteria that exceeds 20,000 colony forming units per milliliter;
- 176 (b) a coliform count that exceeds 10 colony forming units per milliliter; or
- 177 (c) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e. coli.
- 179 (9)
- (a) The department or the producer through an approved laboratory shall test a sample of raw milk
or a raw milk product monthly to ensure compliance with the aerobic bacteria and coliform count
standards of Subsection (8).
- 182 (b) If a test finds that a sample tested under Subsection (9)(a) exceeds the aerobic bacteria or coliform
count standard of Subsection (8), the department may test or require the producer through an
approved laboratory to test for detectable levels of the pathogens listed in Subsection (8)(c).
- 186 (c) A producer shall report a positive finding of a pathogen listed in Subsection (8)(c) to the department
within two business days of receipt of a test finding the pathogen.
- 188 (10)
- (a) A producer shall retain the following records for a minimum of two years:
- 189 (i) animal health and treatment records described in Subsection (3);
- 190 (ii) test results;

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- 191 (iii) a record of a contract with a delivery provider and a delivery made under the contract; and
193 (iv) a record of a sale to a market.
194 (b) A producer shall maintain a temperature log for a minimum of three months.
195 (c) Except as provided in Subsection (9)(c), a producer shall disclose a record described in this
Subsection (10) to the department upon request of the department in the case of a suspicion that raw
milk or a raw milk product is the likely source of a foodborne illness outbreak.

199 Section 5. Section 5 is enacted to read:

200 **4-3-604. Signage, labeling, and marketing material -- Prohibition on use of department's**
name or logo.

- 202 (1) A producer shall conspicuously post signage at the location where raw milk or a raw milk product is
displayed for sale stating: "THIS PRODUCT IS RAW MILK OR MADE WITH RAW MILK."
205 (2) A person shall label a raw milk or raw milk product container with:
206 (a) the statement: "RAW MILK" or "RAW MILK PRODUCT" in letters at least 1/4 inch high;
208 (b) the warning: "Raw milk, no matter how carefully produced, may be unsafe.";
209 (c) a black cap for fluid raw milk; and
210 (d) the following additional information:
211 (i) net volume;
212 (ii) production and consume-by date;
213 (iii) department issued permit number;
214 (iv) producer name and address;
215 (v) animal source;
216 (vi) ingredient list; and
217 (vii) allergen statement meeting federal requirements for milk.
218 (3) A producer that sells raw milk or a raw milk product may not:
219 (a) on signage, a label, or marketing material:
220 (i) use the department's name or logo; or
221 (ii) describe raw milk or a raw milk product as grade A; or
222 (b) use a label that contains a medical claim.

223 Section 6. Section 6 is enacted to read:

224 **4-3-605. Foodborne illness outbreak -- Cease and desist.**

- 225 (1)

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- (a) The department may prove that a producer is the likely source of a foodborne illness outbreak on the basis of:
- 227 (i) subject to Subsection (1)(c), epidemiological and statistical evidence;
228 (ii) a laboratory finding;
229 (iii) whole genome sequencing;
230 (iv) traceback and supply chain documentation; or
231 (v) a violation of safety standards.
- 232 (b) The department is not required to obtain a pathogen-positive result to prove that a producer is the likely source of a foodborne illness outbreak if other evidence establishes the raw milk or raw milk product as the likely source of a foodborne illness outbreak.
- 236 (c) Notwithstanding Subsection (1)(a)(i), if the Department of Health and Human Services or the department uses an epidemiological method to determine whether raw milk or a raw milk product is the likely source of a foodborne illness outbreak, the epidemiological method shall include questions that probe the common sources of the implicated pathogen for the foodborne illness outbreak.
- 241 (2) The department shall issue a cease and desist order in accordance with Subsection 4-2-606(7) if the department proves that a producer is the likely source of a foodborne illness outbreak linked to raw milk or a raw milk product.
- 244 (3)
- (a) Within two working days of issuing a cease and desist order, the department shall collect a sample of raw milk or a raw milk product for whole genome sequencing and may test for an item listed in Subsection 4-3-603(8).
- 247 (b) The department shall share with the producer whole genome sequencing results within 15 working days from the day the sample is taken under this Subsection (3) unless the time frame is extended by the department in writing.
- 250 (c) Upon request of a producer, and at the producer's expense, the department shall submit a sample tested by the department or in an approved laboratory to a second approved laboratory for testing.
- 253 (4) The department, the Department of Health and Human Services, or a local health department may publicly disclose that a producer is the likely source of a foodborne illness outbreak only:
- 256 (a) if proven by a positive whole genome sequencing test; and
257 (b) after the department notifies the producer in writing before the disclosure.

258 Section 7. Section 7 is enacted to read:

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- 259 **4-3-606. Department testing, inspecting, or other actions -- Penalties and enforcement.**
- 261 (1) The department may collect and test a sample of raw milk or a raw milk product:
- 262 (a) for the monthly tests required by Subsection 4-3-603(9);
- 263 (b) during an inspection if there is suspicion of adulteration;
- 264 (c) anytime there is a suspicion that the producer is the likely source of a foodborne illness outbreak; or
- 266 (d) when the department receives a complaint from the public that a producer violates this part and
the department discloses to the producer the underlying facts of the complaint before the sample is
collected.
- 269 (2)
- (a) The department may inspect premises:
- 270 (i) before issuance of the initial permit under Section 4-3-602;
- 271 (ii) quarterly after the initial inspection;
- 272 (iii) anytime there is a suspicion that a producer is the likely source of a foodborne illness outbreak;
- 274 (iv) anytime there is a suspicion that raw milk or a raw milk product is adulterated, as defined in
Section 4-3-102; or
- 276 (v) when the department receives a complaint from the public that a producer violates this part
and the department discloses to the producer the underlying facts of the complaint before the
inspection.
- 279 (b) The department may inspect the following under this Subsection (2):
- 280 (i) a production area;
- 281 (ii) a milking space; or
- 282 (iii) a bottling or processing facility.
- 283 (3) The department may detain, test, or order the destruction of raw milk or a raw milk product:
- 285 (a) that is adulterated or misbranded as defined in Section 4-3-102; or
- 286 (b) if there is a suspicion that the raw milk or raw milk product is the likely source of a foodborne
illness outbreak.
- 288 (4)
- (a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for a test
conducted under this part or an inspection under Subsection (2).
- 290 (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.

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- 292 (5) During a 12-month period, the department may impose an administrative fine against a person that
297 produces or sells adulterated or misbranded raw milk or raw milk product as follows:
- 295 (a) upon the first violation, an administrative fine of not more than \$500;
296 (b) upon a second violation, an administrative fine of not more than \$1,000; and
297 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.
- 298 (6) The department may impose an administrative fine in the amount listed in Subsection (5) if a
producer sells raw milk or a raw milk product without being permitted under this part.
- 301 (7)
- (a) The department may impose the following against a person that the department proves to be the
likely source of a foodborne illness outbreak under Section 4-3-606 during a 12-month period
described in Subsection (7)(b):
- 304 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14 days;
306 (ii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(i) or
upon a second proof of a foodborne illness outbreak, a cease and desist order of 14 days and an
administrative fine of \$500;
- 309 (iii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(ii) or
upon a third proof of a foodborne illness outbreak, a cease and desist order of 14 days and an
administrative fine of \$1,000; and
- 312 (iv) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(iii) or
upon a fourth or subsequent proof of a foodborne illness outbreak, an administrative fine of
\$3,000.
- 315 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the day on which a
cease and desist order is imposed under Subsection (7)(a)(i) and ends 12 months after the day which
the cease and desist order is imposed under Subsection (7)(a)(i). A foodborne illness outbreak or
new case that occurs after the 12-month period described in this Subsection (7)(b) results in the start
of a new 12-month period.
- 321 (8) The department may impose a civil penalty under Section 4-2-304 for a violation of this part not
described in Subsections (5) through (7).
- 323 (9) A person subject to an action under Subsections (5) through (8) may appeal the action in accordance
with Title 63G, Chapter 4, Administrative Procedures Act.

325 Section 8. **Repealer.**

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This Bill Repeals:

- 326 This bill repeals:
327 Section **4-3-503, Sale of raw milk products -- Suspension of producer's permit --**
328 Section 9. **Effective date.**
 Effective Date.
 This bill takes effect on May 6, 2026.

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