

# HB0179S02 compared with HB0179S01

~~{Omitted text}~~ shows text that was in HB0179S01 but was omitted in HB0179S02  
inserted text shows text that was not in HB0179S01 but was inserted into HB0179S02

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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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### 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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▶ removes the requirement to obtain a permit for raw milk or raw milk products;

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▶ modifies an exemption from certain dairy regulations;

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▶ defines terms;

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▶ requires notification to the Department of Agriculture and Food;

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▶ outlines general requirements related to raw milk or raw milk products, including requirements

related to markets;

13

▶ addresses prohibited counts and drug residue in raw milk;

14

▶ prescribes labeling;

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▶ addresses foodborne illness outbreaks ~~{and related cease and desist orders}~~ ;

17

▶ addresses cease and desist orders;

16

▶ provides for testing and inspections;

HB0179S01

## HB0179S01 compared with HB0179S02

- 17       ▶ imposes penalties;
- 18       ▶ allows for sales on premises under certain circumstances;
- 19       ▶ provides for no severability; and
- 20       ▶ makes technical and conforming changes.

### 23   **Money Appropriated in this Bill:**

24       None

### 25   **Other Special Clauses:**

26       None

### 27   **Utah Code Sections Affected:**

#### 28   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

#### 31   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

#### 40   REPEALS:

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

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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.**

44   (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.

## HB0179S01 compared with HB0179S02

- 48 (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.
- 53 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 54 (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.
- 59 (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.
- 62 [~~(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.~~]
- 66 [~~(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.]~~
- 69 [~~(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.**
- 72 (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk  
products are used by:
- 74 (a) the owner of the farm;
- 75 (b) a member of the owner's immediate family;
- 76 (c) a nonpaying guest of the owner of the farm;
- 77 [~~(e)] (d) a participant in a cow-share program; or~~
- 78 [~~(d)] (e) a member of a participant in a cow-share program's immediate family.~~
- 79 (2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an  
individual obtaining:

## HB0179S01 compared with HB0179S02

- 81 (a) raw milk in accordance with the terms of a cow-share program agreement; or  
82 (b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.

86 Section 3. Section 3 is enacted to read:

88 **4-3-601. Definitions.**

6. Raw Milk

As used in this part:

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

88 (1){(2)} "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.

90 (2){(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.

93 (3){(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.

95 (4){(5)} "Market" means a retail location {or establishment} , 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.

97 (5){(6)} "Premises" means the property and facilities used for the:

98 (a) housing or milking of lactating animals; or

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

100 (6){(7)} "Producer" means a person that owns lactating animals and bottles, packages, or sells raw milk or a raw milk product.

102 (7){(8)} "Raw milk" means milk from a lactating animal that has not been pasteurized.

103 (8){(9)} "Raw milk product" means a product produced from raw milk.

104 (9){(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.**

## HB0179S01 compared with HB0179S02

- 109 (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 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.
- 113 (b) The notice required by this Subsection (1) shall include:
- 114 (i) the producer's name and address;
- 115 (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
- 118 (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.
- 119 (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.
- 122 (3)
- (a) A producer shall cool raw milk or raw milk used to produce a raw milk product to:
- 123 (i) 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and
- 125 (ii) 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal.
- 127 (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.
- 130 (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.
- 134 (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 {other person that is not a consumer}.

## HB0179S01 compared with HB0179S02

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.

- 140 (4) A producer shall ensure that the raw milk producing animals on the premises of the producer are:  
142 (a) permanently and individually identifiable; and  
143 (b) free of tuberculosis, brucellosis, and other diseases carried through milk.  
144 (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).
- 146a (8) { ~~h~~ → { } { ~~(6)~~ } A market shall display raw milk or a raw milk product in a manner that is  
separate from pasteurized milk or ~~pastuerized~~ 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.**
- 149 (1) The somatic cell count in unpackaged raw milk for retail sale may not exceed:  
150 (a) 400,000 cells per milliliter for raw milk produced from cows; or  
151 (b) 1,500,000 cells per milliliter for raw milk produced from goats.  
152 (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.  
154 (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.  
156 (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.  
159 (5)

## HB0179S01 compared with HB0179S02

(a) A producer shall test for compliance with this section through an accredited laboratory at least monthly.

161 (b) A producer shall retain a record of test results for at least {two years} six months from receipt of the test results.

163 (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.**

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

169 (2) A producer shall {also} label the container described in Subsection (1) with:

170 (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;

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

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

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

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

177 (f) the ingredient list; and

178 (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.**

181 (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.

183 (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.

188 (2)

(a) {If after the investigation of a foodborne illness outbreak the} The department {links the foodborne illness outbreak to a producer, the department} shall issue a cease and desist order to {the producer

## HB0179S01 compared with HB0179S02

linked to the foodborne illness outbreak} a producer prohibiting the sale of {the} 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;
- 220 (iii) after an inspection of a market, the department finds that the producer's raw milk or raw milk  
product is adulterated or misbranded on the basis of a container found at the market that is  
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  
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  
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.
- 192 (b){(c)} 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 specific producer's raw milk or raw milk product.
- 196 (c){(d)} A producer who receives a cease and desist order from the department shall stop the sale of the  
raw milk or raw milk product named in the cease and desist order.
- 198 (3)
- (a) A cease and desist order shall remain in effect until the {department} sooner of:
- 240 (i) 14 days after the day on which the cease and desist order is issued;
- 241 (ii) the day on which the department:
- 199 (i){(A)} verifies that the producer who is subject to the cease and desist order has three consecutive  
tests of the raw milk or raw milk product that show that the raw milk or raw milk product  
meet the standards described in Subsections 4-3-603(2) and (3) and is free of the {following  
pathogens:} pathogens listed in Subsection (3)(b); or

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## HB0179S01 compared with HB0179S02

- 250 (B) if the cease and desist order is issued on the basis of a foodborne illness outbreak, receives a genome sequencing test result that demonstrates that the producer's raw milk or raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order; or  
252 (iii) if the cease and desist order is issued based on misbranding, the day on which the producer corrects the misbranding.
- 252 (b) The pathogens referred to in Subsection (3)(a)(ii)(A) are the following:  
253 (A){(i)} shiga toxin-producing e. coli;  
254 (B){(ii)} listeria monocytogenes;  
255 (C){(iii)} salmonella; and  
256 (D){(iv)} campylobacter{;or}.
- 257 { (ii) {receives a genome sequencing test result that demonstrates that the producer's raw milk or raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order.} }
- 210 (b){(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.
- 213 (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:
- 216 (i) {testing for} purposes of Subsection {(3)(a)(i)} (3)(a)(ii); and  
217 (ii) if the department wants to publicly disclose a producer's name or identifying information under Subsection (5), whole genome sequencing testing.
- 219 (b) For purposes of a test described in Subsection {(3)(a)(i)} (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.
- 222 (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.
- 227 (d)

## HB0179S01 compared with HB0179S02

- (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.
- 230 (ii) The producer shall select the second {laboratory from a list of } accredited {laboratories approved  
232 by the department } laboratory.
- (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:
- 234 (i) the department;
- 235 (ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and
- 237 (iii) a local health department.
- 238 (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.
- 242 (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.
- 247 (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.**
- 253 {~~(1) {The department may collect and test a sample of raw milk or a raw milk product only if:} }~~
- 254 {~~(a) {there is a reasonable suspicion that the producer is linked to a foodborne illness outbreak; or} }~~
- 256 (b){(1) The department may do the following only during {~~the issuance of~~} 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
- 257 (2){(c) } {~~The department may~~} inspect the premises of a producer {~~only if there is a reasonable suspicion that the producer is linked to a foodborne illness outbreak~~} .

## HB0179S01 compared with HB0179S02

259 (3){(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:

263 (i) upon the first violation, a penalty of no more than {~~\$300~~} \$500;

264 (ii) upon a second violation, a penalty of no more than {~~\$750~~} \$1,000; and

265 (iii) upon a third or subsequent violation, a penalty of no more than {~~\$1,500~~} \$3,000.

266 (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.

268 (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.**

273 (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.

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

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

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

278 (c) label the raw milk with:

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

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

282 (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

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

285 (d) cool the raw milk:

## HB0179S01 compared with HB0179S02

- 286 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;  
and
- 288 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;
- 290 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-  
forming units per milliliter;
- 292 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and  
other diseases carried through milk;
- 294 (g) maintain records of tests { ~~and sales~~ } for a minimum of { ~~two years~~ } six months; and
- 295 (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.**

- 299 (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.
- 303 (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.

2-12-26 11:54 AM