

HB0179S03 compared with HB0179S02

~~{Omitted text}~~ shows text that was in HB0179S02 but was omitted in HB0179S03
inserted text shows text that was not in HB0179S02 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

2

3

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;}~~

9

▶ modifies an exemption from certain dairy regulations;

10

▶ defines terms;

11

▶ ~~{requires notification to the Department of Agriculture and Food;}~~

12

▶ outlines general requirements related to raw milk or raw milk products ~~{, including requirements related to markets}~~ ;

14

▶ addresses prohibited counts ~~{and drug residue}~~ in raw milk;

15

▶ prescribes labeling;

13

▶ provides for the suspension and reissuance of permits;

16

▶ addresses foodborne illness outbreaks;

17

▶ addresses cease and desist orders;

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- 16 ▶ addresses rulemaking;
18 ▶ provides for { ~~testing and inspections~~ } fees;
19 ▶ imposes penalties;
20 ▶ { ~~allows for sales on premises under certain circumstances;~~ }
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;
21 ▶ provides for no severability; and
22 ▶ makes technical and conforming changes.

24 Money Appropriated in this Bill:

25 None

26 Other Special Clauses:

27 None

28 Utah Code Sections Affected:

29 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

32 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

43 REPEALS:

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

45

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

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

48 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal.**

- 46 (1) ~~{[Application {}] A person shall apply to the department }~~for a permit to operate a plant,
manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the
wholesale distribution of dairy products ~~{[shall be made to the department upon forms{}] on a~~
~~form}~~ prescribed and furnished by the department.
- 50 (2) Upon receipt of a proper application, compliance with the applicable rules, and payment of a permit
fee determined by the department according to Subsection 4-2-103(2), the commissioner, if satisfied
that the public convenience and necessity and the industry will be served, shall issue an appropriate
permit to the applicant subject to suspension or revocation for cause.
- 55 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 56 (4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment,
haul milk in bulk, or for the wholesale distribution of dairy products, is renewable for a period of
one year upon the payment of an annual permit renewal fee determined by the department according
to Subsection 4-2-103(2) on or before December 31 of each year.
- 61 ~~{(5) Notwithstanding Subsection (1), a person is not required to obtain a permit but shall notify the~~
~~department of the intention to produce raw milk or a raw milk product as provided in Part 6, Raw~~
~~Milk.}~~
- 64 ~~{(5) Notwithstanding the requirements of Subsection (1), application for a permit or certificate to~~
~~produce milk or a raw milk product, as that term is defined in Section }[~~4-3-503~~] 4-3-601 {, shall be~~
~~made to the department on forms prescribed and furnished by the department.}}~~
- 68 ~~{(6)}~~
- ~~{(a) Upon receipt of a proper application and compliance with applicable rules, the commissioner shall~~
~~issue a permit entitling the applicant to engage in the business of producer, subject to suspension or~~
~~revocation for cause.}}~~
- 71 ~~{(b) A fee may not be charged by the department for issuance of a certificate.}}~~

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

73 **4-3-502. Exemption.**

- 74 (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk
products are used by:

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- 76 (a) the owner of the farm;
- 77 (b) a member of the owner's immediate family;
- 78 (c) a nonpaying guest of the owner of the farm;
- 79 [(e)] (d) a participant in a cow-share program; or
- 80 [(d)] (e) a member of a participant in a cow-share program's immediate family.
- 81 (2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:
- 83 (a) raw milk in accordance with the terms of a cow-share program agreement; or
- 84 (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.}}
- 92 (2){(1)} {"Consumer"} "Batch" means {~~an end user who purchases raw~~} all the milk {~~or~~} emptied from one bulk tank and bottled in a {~~raw milk product for personal or household use~~} single day.
- 94 (3){(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.
- 97 (4){(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.
- 99 {~~(5)~~ {"Market" means a retail location, other than the premises where the raw milk is produced, that is registered with the department as a food establishment in accordance with Section 4-5-301 and where raw milk or a raw milk product is offered for sale directly to a consumer.}}
- 103 (6){(4)} "Premises" means the property and facilities used for the:
- 104 (a) housing or milking of lactating animals; or
- 105 (b) processing, storage, or sale of raw milk or a raw milk product.
- 106 (7){(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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- 108 (8){(6)} "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 109 (9){(7)} "Raw milk product" means a product produced from raw milk.
- 110 (10){(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.
- 106 Section 4. Section 4 is enacted to read:
- 107 **4-3-602. General operational requirements {--Requirements for markets} .**
- 115 {(+) }
- (a){(1)} Except as provided in Section {4-3-607} 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 {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} .
- 120 (b){(2)} {The notice required by this-} To engage in an activity listed in Subsection (1), the producer
shall {include} :
- 121 {(i) {the producer's name and address;-} }
- 112 (a) obtain a permit from the department in accordance with Subsection 4-3-301(6);
- 122 (ii){(b)} conduct the {intended method of} sale and delivery of the raw milk product on the premises
where the raw milk or raw milk product{, including direct-to-consumer, through a market, or both
direct-to-consumer and through a market; and } is produced, except as provided by Subsection (3);
- 125 {(iii) {the species of animal used to produce the raw milk.-} }
- 126 {(e) }
- {(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)(e) electronically if
the producer provides an electronic address to which the information packet may be sent.-} }
- 115 (c) sell raw milk or a raw milk product to a consumer for household use and not for resale;
- 133 (2){(d)} {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{-} ;

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- 136 (3){(e)}
- (a){(i)} ~~{A producer shall}~~ cool raw milk or the raw milk used to produce ~~{a}~~ the raw milk product ~~{to}~~ :
- 137 (i){(A)} to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and
- 139 (ii){(B)} to 41 degrees Fahrenheit ~~{or a lower temperature}~~ within two hours of being drawn from the animal~~{:}~~ ; and
- 141 (b){(ii)} ~~{A producer shall maintain the}~~ maintain raw milk ~~{described in Subsection (3)(a)}~~ at 41 degrees Fahrenheit or a lower temperature until the raw milk is ~~{sold}~~ delivered to ~~{a}~~ the consumer or used to produce ~~{a}~~ the raw milk product~~{:}~~ ;
- 144 (c){(f)} ~~{A producer shall}~~ ensure that ~~{when}~~ the production of raw milk or a raw milk product ~~{is distributed, sold, delivered, held, stored, or offered from a mobile unit,}~~ conforms to departmental rules for the ~~{raw milk or raw milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.}~~ production of grade A milk products;
- 148 {(d)} ~~{When a producer transports raw milk or a raw milk product from the premises where the raw milk or raw milk product is produced, the producer shall ensure that the raw milk or raw milk product is transported by a designated agent, a third party vendor, or employee of the producer in a mobile unit with mechanical refrigeration where the raw milk or raw milk product is maintained at 41 degrees Fahrenheit or a lower temperature.}~~ }
- 154 (4){(g)} ~~{A producer shall}~~ ensure that the ~~{raw milk producing}~~ dairy animals on the premises ~~{of the producer}~~ are:
- 156 (a){(i)} permanently and individually identifiable; and
- 157 (b){(ii)} free of tuberculosis, brucellosis, and other diseases carried through milk~~{:}~~ ;
- 158 (5){(h)} ~~{A producer shall}~~ ensure that ~~{an}~~ any individual on the premises ~~{who performs}~~ 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~~{:}~~ ;
- 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).}~~ }

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- 167 (8){(i)} ~~{A market shall display}~~ refrain from offering raw milk or a raw milk product ~~{in a manner~~
169 ~~that is separate from pasteurized milk or pasteurized milk products.}~~ for sale until:
- 170 ~~{(9) {A market shall maintain the following records for three months:}-}~~
- 171 ~~{(a) {a bill of lading; and}-}~~
- 171 ~~{(b) {an invoice.}-}~~
- 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.
- 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** ~~{or drug residue}~~ **-- Pathogens.**
- 174 ~~{(1) {The somatic cell count in unpackaged raw milk for retail sale may not exceed:}-}~~
- 175 ~~{(a) {400,000 cells per milliliter for raw milk produced from cows; or}-}~~
- 176 ~~{(b) {1,500,000 cells per milliliter for raw milk produced from goats.}-}~~

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- 158 (1)
- 177 (2){(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)
- 179 (3){(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.
- 181 (4){(b)} {Raw-} If the coliform count of raw milk or the raw milk used to produce {a-} the raw milk product {may not contain drug residue above the tolerance levels recommended by the United States Food and Drug Administration.} exceeds 20 colony forming units per milliliter or if the producer is implicated in a foodborne illness outbreak:
- 184 {(5) }
- {(a) {A producer shall test for compliance with this section through an accredited laboratory at least monthly.}}
- 186 {(b) {A producer shall retain a record of test results for at least six months from receipt of the test results.}}
- 188 (c){(i)} {A producer is required to provide-} the department {test results only if requested-} or third party certified by the department {after-} shall test the {producer is linked to a foodborne illness outbreak.} 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:
- 180 **4-3-604. Labeling.**

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- 192 (1) A producer shall label the container of raw milk or a raw milk product ~~{in accordance}~~ with ~~{this~~
193 ~~section}~~ a label that states "raw milk" or "raw milk product" and meets the labeling requirements
194 under 21 C.F.R. Parts 101 and 131 and rules made by the department.
- 194 (2) ~~{A}~~ In addition to complying with Subsection (1), a producer shall label the container described in
195 Subsection (1) with:
- 195 (a) a date, no more than nine days after the raw milk or raw milk product is produced, by which the raw
196 milk or raw milk product should be sold;
- 197 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced, may be unsafe.";
- 199 (c) handling instructions to preserve quality and avoid contamination or spoilage;
- 200 ~~{(d) {the producer's name and address;}}~~
- 201 ~~{(e) {the species of animal used to produce the raw milk;}}~~
- 202 (f) ~~{(d)}~~ a specific colored label as determined by the {ingredient list} department by rule; and
- 203 ~~{(g) {an allergen statement meeting federal requirements for milk.}}~~
- 192 (e) any other information required by rule made in accordance with Title 63G, Chapter 3, Utah
193 Administrative Rulemaking Act.
- 194 Section 7. Section 7 is enacted to read:
- 195 **4-3-605. ~~{Foodborne illness outbreak -- Cease and desist}~~ Suspension of permit.**
- 206 ~~{(1)}~~ }
- ~~{(a) {Nothing in this chapter shall impede the Department of Health and Human Services or the~~
207 ~~department in an investigation of a foodborne illness outbreak.}}~~
- 208 ~~{(b) {Notwithstanding Subsection (1)(a), if the Department of Health and Human Services or the~~
209 ~~department uses a survey to determine whether there is a foodborne illness outbreak linked to raw~~
210 ~~milk or a raw milk product, the survey shall include questions that probe the common sources of the~~
211 ~~implicated pathogen for the foodborne illness outbreak.}}~~
- 213 ~~{(2)}~~ }
- (a) ~~{(1)}~~ The department shall ~~{issue}~~ suspend a ~~{cease and desist order to a producer prohibiting the~~
214 ~~sale of raw milk or a raw milk product}~~ 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
215 under Section 4-3-603; or
- (i) ~~{(b)}~~ a ~~{person sells raw milk}~~ producer violates this part or a ~~{raw milk product before~~
216 ~~notifying}~~ rule made by the department, in accordance with {Subsection 4-3-602(1) of the

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intent to produce raw milk or a raw milk product;} Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part.

- 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){(2)} {discloses to} The department may reissue a permit that has been suspended under this section
if the producer {before issuing the cease and desist order[:]}:
- 231 {{(A) the name of the complainant; and}}
- 232 {{(B)} ←Ĥ {the facts the department verified that underly the complaint.}} }
- 233 {(e) {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.}} }
- 237 {(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.}} }
- 239 {(3) }
- {(a) {A cease and desist order shall remain in effect until the 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:}} }
- 242 (A){(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 } obtains a test result that {the raw milk or raw
milk product meet } meets the standards described in Subsections {4-3-603(2) and (3)} 4-3-603(1)
and {is free of the pathogens listed in Subsection (3)(b)} (2); {or} and

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- {(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 } }
- 250 {(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 {(i) {shiga toxin-producing e. coli;} }
- 254 {(ii) {listeria monocytogenes;} }
- 255 {(iii) {salmonella; and} }
- 256 {(iv) {campylobacter.} }
- 257 {(c) {The department shall notify a producer who is subject to a cease and desist order that the cease and desist order is not in effect within one working day of the conditions of Subsection (3)(a) being met.} }
- 260 {(4) }
- {(a) {The department shall collect a sample within two working days of issuing a cease and desist order for the purpose of the department testing or submitting the sample to an accredited laboratory for testing, at the discretion of the producer, for:} }
- 263 {(i) {purposes of Subsection (3)(a)(ii); and} }
- 264 {(ii) {if the department wants to publicly disclose a producer's name or identifying information under Subsection (5), whole genome sequencing testing.} }
- 266 {(b) {For purposes of a test described in Subsection (3)(a)(ii), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.} }
- 269 {(c) {The time between the department collecting the sample under Subsection (4)(a)(ii) and the department notifying the producer of whole genome sequencing test results may not exceed 15 working days unless, before the 15-working day period expires, the department notifies the producer in writing that the department requires additional time to notify the producer of the whole genome sequencing test results.} }
- 274 {(d) }
- {(i) {Upon the producer's request and the producer being liable for the costs of the second laboratory, the department shall have the sample collected under Subsection (4)(a) analyzed by two accredited laboratories.} }

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- 277 { (ii) ~~{The producer shall select the second accredited laboratory.}~~ }
- 278 { (5) }
- { (a) ~~{Subject to the requirements of Subsection (5)(b), the following may notify the public of a~~
foodborne illness outbreak linked to raw milk or a raw milk product:} }
- 280 { (i) ~~{the department;}~~ }
- 281 (ii) {(b) complies with all of the {Department of Health} requirements of this part and {Human
Services} rules made by the department, in accordance with {Section 26B-1-202; and} Title
63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part.
- 283 { (iii) ~~{a local health department.}~~ }
- 284 { (b) ~~{Before an agency listed in Subsection (5)(a) may publicly disclose a producer's name or~~
identifying information, the department shall notify the producer that the department has linked the
producer to a foodborne illness outbreak with a positive whole genome sequencing test.} }
- 288 { (c) ~~{Before publicly disclosing a producer's name or identifying information under Subsection (5)~~
(b), the Department of Health and Human Services or a local health department shall verify that the
department notified the producer that the department has linked the producer to a foodborne illness
with a positive whole genome sequencing test.} }
- 293 (6) {(3) Upon written request by a producer with a {cease and desist order} suspended permit, 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}~~ suspend the permit.
- 212 Section 8. Section 8 is enacted to read:
- 213 **4-3-606. ~~{Department testing, inspecting, or other actions}~~ Foodborne illness outbreak --**
~~{Penalties}~~ Cease and ~~{enforcement}~~ desist.
- 299 { (1) ~~{The department may do the following only during a cease and desist order issued under Section~~
4-3-605:} }
- 301 { (a) ~~{collect a sample of raw milk or a raw milk product;}~~ }
- 302 { (b) ~~{provide for the testing of a sample of raw milk or a raw milk product; or}~~ }
- 303 { (c) ~~{inspect the premises of a producer.}~~ }
- 304 { (2) }
- { (a) ~~{The department may establish and collect a fee in accordance with Section 63J-1-504 for the~~
taking of a sample, testing, or an inspection conducted in accordance with this part.} }

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{(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)~~ }

214 (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.

216 (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.

221 (2)

(a) {~~If~~} The department shall issue a cease and desist order to a producer prohibiting the {Department } sale of {Health and Human Services or the department links a producer's} raw milk or a raw milk product {to } if after the investigation of a foodborne illness outbreak {and } the department {finds that } links the foodborne illness outbreak to a producer {has violated this part, the department may impose upon the producer the following administrative penalties:} pending testing required by Subsection (4).

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

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

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

225 (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.

229 (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.

231 (3)

(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:

233 (i) the department;

234 (ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and

236 (iii) a local health department.

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- 237 (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.
- 241 (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.
- 246 (4)
- 247 (a) A cease and desist order shall remain in effect until the department:
- 251 (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
- 316 (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.
- 257 (b) The department {~~may impose the penalties described in Subsection (3)(a) in addition~~} shall notify a producer who is subject to {~~issuing~~} a cease and desist order {~~under Section 4-3-605~~} that the cease and desist order is not in effect within one working day of the conditions of Subsection (4)(a) being met.
- 318 (5)
- 260 (4){(a)} {~~Notwithstanding~~} The department shall collect a sample within two working days of issuing a cease and desist order for the {~~other provisions~~} purpose of {~~this title.~~} the department {~~may not impose a penalty~~} testing or {~~take any other action against a producer except for an action expressly provided~~} submitting the sample to a laboratory for {~~in this part.~~} testing, at the discretion of the producer:
- 261 (i) for purposes of testing for a pathogen listed in Subsection 4-3-603(3); and
- 263 (ii) if the department wants to publicly disclose a producer's name or identifying information under Subsection (3), whole genome sequencing testing.
- 266 (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.

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(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:

280 **4-3-607. {Exemption for on-premise sales} Department rulemaking -- Fees -- Penalties and enforcement.**

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

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

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

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;

327 ~~(b){(ii) {sell} building and {deliver the raw milk upon the } premises {where the raw milk is produced} requirements;~~

328 ~~{(c) {label the raw milk with:}}~~

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

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

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- {(iii) {the statement: "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no matter how carefully produced, may be unsafe."; and}-}
- 334 {(iv) {handling instructions to preserve quality and avoid contamination or spoilage;-}}
- 335 {(d) {cool the raw milk;-}}
- 336 {(i) {to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and}-}
- 285 (iii) sanitation and operating requirements, including bulk milk tank requirements;
- 286 (iv) additional tests;
- 338 (ii){(v)} {to 41 degrees Fahrenheit or } use of a {lower temperature-} third-party testing laboratory
within {two hours-} or outside of {being drawn from-} the {animal} state;
- 340 {(e) {conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-forming units per milliliter;-}}
- 342 {(f) {ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases carried through milk;-}}
- 344 {(g) {maintain records of tests for a minimum of six months; and}-}
- 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)
- 345 (h){(a)} {notify the-} The department {of the producer's intent to sell raw milk-} may establish and collect a fee in accordance with Section 63J-1-504 for the testing or an inspection conducted in accordance with this {section and include in the notification the producer's name and address} 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

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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:

- 309 (i) suspending a permit under Section 4-3-605; or
310 (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. {Severability} Exemption for sales and deliveries from farm.**

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

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

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;

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- 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:

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.**

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366

Section 14. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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