

HB0179S04 compared with HB0179S02

~~{Omitted text}~~ shows text that was in HB0179S02 but was omitted in HB0179S04
inserted text shows text that was not in HB0179S02 but was inserted into HB0179S04

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



2
3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ ~~{ 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- }~~ a permit to ~~{ the Department of Agriculture- }~~ produce and ~~{ Food }~~ sell
12 raw milk or a raw milk product;
- 13 ▶ provides for suspension and reinstatement of a permit;
- 14 ▶ ~~{ outlines- }~~ provides for general operational requirements ~~{ related to raw milk or raw milk~~
15 products } , including ~~{ requirements related to markets }~~ routine testing;
- ▶ addresses ~~{ prohibited counts- }~~ signage, labeling, and ~~{ drug residue in raw milk }~~ marketing
material;
- ▶ ~~{ prescribes labeling; }~~

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- 16 ▶ addresses foodborne illness outbreaks;
- 17 ▶ ~~{addresses cease and desist orders;}~~
- 18 ▶ ~~{provides for}~~ addresses testing and inspections;
- 19 ▶ ~~{imposes penalties;}~~
- 20 ▶ ~~{allows for sales on premises under certain circumstances;}~~
- 21 ▶ provides for ~~{no severability}~~ enforcement and penalties; and
- 22 ▶ makes technical and conforming changes.

17 Money Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 **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}~~

24 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

38 ~~{4-3-607, Utah Code Annotated 1953}~~

39 ~~{4-3-608, Utah Code Annotated 1953}~~

31 REPEALS:

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

33

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.**

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- (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]-]~~ 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] 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.}}~~
- 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.}}~~
- 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.
- 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.

64 Section 2. Section 2 is enacted to read:

66 **4-3-601. Definitions.**

6. Raw Milk

As used in this part:

- 90 (1) ~~["Accredited-]~~ "Approved laboratory" means a laboratory ~~{that is-}~~ accredited by a nationally recognized organization and approved by the department.
- 92 (2) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.
- 94 (3) ~~["Designated agent-]~~ "Delivery provider" means a person ~~{that-}~~ who under contract with a producer ~~{, without ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the producer's-}~~ 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.
- 97 (4){(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.
- 99 (5){(7)} "Market" means a retail location ~~{-}~~ or establishment other than the premises ~~{where-}~~ of the ~~{raw milk is produced,-}~~ 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.
- 103 (6){(8)} "Premises" means the property ~~{and facilities-}~~ or facility used for the:

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- 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){(9)} "Producer" means a person that owns ~~{lactating animals}~~ a lactating animal and produces,
bottles, packages, or sells raw milk or a raw milk product.
- 108 (8){(10)} "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 109 (9){(11)} "Raw milk product" means a product produced from raw milk.
- 110 ~~{(10) {"Third party vendor" means a person that under contract with a producer takes ownership of the
producer's raw milk or raw milk product to distribute, sell, deliver, hold, store, or offer for sale the
raw milk or raw milk product to a market.}}~~
- 91 Section 3. Section 3 is enacted to read:
- 92 **4-3-602. {General operational requirements -- Requirements for markets} Permit required**
-- Suspension of permit.
- 115 {(+) }
- (a){(1)} ~~{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 }~~ A person may not produce
and sell raw milk or ~~{the }~~ a raw milk product ~~{in accordance with this part if the producer notifies
}~~ without a permit issued by the department ~~{in writing of the producer's intention to produce raw
milk or a raw milk product}~~ under this section.
- 120 (b){(2)} The ~~{notice required by this Subsection (1)}~~ permit application shall include:
- 121 {(i) {the producer's name and address;}}
- 122 (ii){(a)} the intended method of sale ~~{of the raw milk or raw milk product}~~ , including direct-to-
consumer, ~~{through}~~ by a market, or both direct-to-consumer and ~~{through}~~ by a market; ~~{and}~~
- 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;
- 125 (iii){(d)} the species of ~~{animal used to produce}~~ lactating animals that produces the raw milk~~{:}~~ ;
- 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

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(i) other information requested by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

126 (c){(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.

(i){(b)} {Upon receipt of the notice required by this Subsection (1)} Notwithstanding Section 63J-1-504, the department shall {provide the producer an information packet containing information about } retain the {operational requirements expressly stated in } fee under this {part and best practices for } Subsection (4) as a dedicated credit and may only use the {production } fee to administer and {sale of raw milk or a raw milk product } 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).

130 (ii){(b)} The department may {provide an information packet under this } reissue a permit that has been suspended under Subsection {(1)(c) electronically } (5)(a) if the producer {provides an electronic address to which the information packet may be sent.} :

133 ~~{(2) {A producer shall bottle or package raw milk or a raw milk product under sanitary conditions and in sanitary containers on the premises where the raw milk or the raw milk product is produced.}}~~

136 ~~{(3) }~~

~~{(a) {A producer shall cool raw milk or raw milk used to produce a raw milk product to:}}~~

137 ~~{(i) {50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and}}~~

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- {(ii) {41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal.} }
- 141 (b){(i) {~~A producer shall maintain~~} obtains three consecutive tests that meet all the {~~raw milk~~}
standards described in Subsection {~~(3)(a) at 41 degrees Fahrenheit or a lower temperature until the~~
144 raw milk is sold to a consumer or used to produce a raw milk product.} 4-3-603(8); and
{(e) {~~A producer shall ensure that when raw milk or a raw milk product is distributed, sold, delivered,~~
held, stored, or offered from a mobile unit, the raw milk or raw milk product is maintained through
mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.} }
- 148 {(d) {~~When a producer transports raw milk or a raw milk product from the premises where the raw milk~~
or raw milk product is produced, the producer shall ensure that the raw milk or raw milk product is
transported by a designated agent, a third party vendor, or employee of the producer in a mobile unit
with mechanical refrigeration where the raw milk or raw milk product is maintained at 41 degrees
Fahrenheit or a lower temperature.} }
- 154 {(4) {~~A producer shall ensure that the raw milk producing animals on the premises of the producer are:~~
}
- 156 {(a) {~~permanently and individually identifiable; and~~} }
- 157 {(b) {~~free of tuberculosis, brucellosis, and other diseases carried through milk.~~} }
- 158 {(5) {~~A producer shall ensure that an individual on the premises who performs work in connection with~~
the production, bottling, packaging, handling, or sale of raw milk or a raw milk product is free from
communicable disease.} }
- 161 {(6) {~~A producer shall keep a record for two years of any veterinary care of raw milk producing~~
animals on the premises of the producer.} }
- 163 {(7) {~~A producer shall issue the recall notice for raw milk or a raw milk product on the producer's~~
website and social media, if any, if the department links the producer to a foodborne illness outbreak
with a positive whole genome sequencing test under Subsection 4-3-605(5).} }
- 167 {(8) {~~A market shall display raw milk or a raw milk product in a manner that is separate from~~
pasteurized milk or pasteurized milk products.} }
- 169 {(9) {~~A market shall maintain the following records for three months:~~} }
- 170 {(a) {~~a bill of lading; and~~} }
- 171 {(b) {~~an invoice.~~} }
- 126 (ii) complies with all of the requirements of this part and rules made as authorized by this part.

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- 128 (c) A person whose permit is suspended under this section may appeal the action in accordance with
129 Title 63G, Chapter 4, Administrative Procedures Act.
- 130 Section 4. Section 4 is enacted to read:
- 131 **4-3-603. {Prohibited counts or drug residue} General operational requirements.**
- 132 (1)
- 133 (a) A person may produce raw milk only from an animal owned by a producer permitted by the
134 department.
- 135 (b) Raw milk shall originate from a lactating animal, including a cow, goat, or sheep.
- 136 (2) A person may sell raw milk or a raw milk product only within Utah.
- 137 (3)
- 138 (a) A producer shall obtain regular services by a licensed veterinarian for the producer's herd of
139 lactating animals.
- 140 (b) Subject to Subsection (10), a producer shall maintain veterinary care records, including:
- 141 (i) routine herd health checks;
- 142 (ii) disease screening;
- 143 (iii) treatment documentation; and
- 144 (iv) withdrawal period verification.
- 145 (c) A producer shall:
- 146 (i) comply with a withdrawal period after animal treatment;
- 147 (ii) routinely screen for mastitis or illness; and
- 148 (iii) refrain from selling raw milk or a raw milk product from a sick animal.
- 149 (4)
- 150 (a) A person may not sell raw milk or a raw milk product through a food service establishment or under
151 Chapter 5a, Home Consumption and Homemade Food Act.
- 152 (b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a
153 food service establishment.
- 154 (c) A producer may not allow raw milk or a raw milk product, including cream from raw milk, to be
155 removed from the premises where that raw milk is produced unless:
- 156 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery
provider; and

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- 159 (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.
- 162 (5)
- 164 (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.
- 166 (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.
- 167 (6)
- 168 (a) A producer shall use a separate enclosed facility for:
- 171 (i) animal housing;
- 172 (ii) milking; and
- 174 (iii) processing and packaging.
- 175 (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.
- 176 (7)
- 177 (a) A producer shall implement a recall plan approved by the department.
- 178 (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.
- 179 (1){~~(8)~~} ~~{The somatic cell count in unpackaged-}~~ Raw milk or a raw milk ~~{for retail sale-}~~ product may not ~~{exceed}~~ contain:
- 180 {~~(a)~~} ~~{400,000 cells per milliliter for raw milk produced from cows; or-}~~
- 181 {~~(b)~~} ~~{1,500,000 cells per milliliter for raw milk produced from goats.-}~~
- 182 (2){~~(a)~~} ~~{The bacterial count of raw milk or raw milk used to produce a raw milk product may not exceed-}~~ aerobic bacteria that exceeds 20,000 colony forming units per milliliter~~{-}~~ ;
- 183 (3){~~(b)~~} ~~{The-}~~ a coliform count ~~{of raw milk or raw milk used to produce a raw milk product may not exceed-}~~ that exceeds 10 colony forming units per milliliter~~{-}~~ ; or
- 184 (c) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e. coli.
- 185 (9)
- 186 (4){~~(a)~~} ~~{Raw milk or-}~~ The department or the producer through an approved laboratory shall test a sample of raw milk ~~{used to produce-}~~ or a raw milk product ~~{may not contain drug residue above~~

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~~the tolerance levels recommended by~~ monthly to ensure compliance with the ~~{ United States Food~~
~~}~~ aerobic bacteria and {Drug Administration} coliform count standards of Subsection (8).

184 ~~{(5)}~~ }

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).

(a)~~{(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 {for compliance with this section through
an accredited laboratory at least monthly} finding the pathogen.

188 (10)

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

189 (i) animal health and treatment records described in Subsection (3);

190 (ii) test results;

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.

188 (c) {A} Except as provided in Subsection (9)(c), a producer {is required} shall disclose a record
described in this Subsection (10) to {provide} the department {test results only if requested by}
upon request of the department {after} in the {producer} case of a suspicion that raw milk or a raw
milk product is {linked to} the likely source of a foodborne illness outbreak.

199 Section 5. Section 5 is enacted to read:

200 4-3-604. {Labeling} 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."

192 (1){(2)} A {producer} person shall label {the container of} a raw milk or {a} raw milk product {in
accordance with this section.} container with:

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

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

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- 206 (a) the statement: "RAW MILK" or "RAW MILK PRODUCT" in letters at least 1/4 inch high;
197 (b) the {statement} warning: "Raw milk {or raw milk products} , no matter how carefully produced,
may be unsafe.";
199 ~~{(e) {handling instructions to preserve quality and avoid contamination or spoilage;}}~~
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;
200 (d){(iv)} {the producer's} producer name and address;
201 ~~{(e) {the species of animal used to produce the raw milk;}}~~
215 (v) animal source;
202 (f){(vi)} {the} ingredient list; and
203 (g){(vii)} {an} 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.**
206 (1)
(a) ~~{Nothing in this chapter shall impede the Department of Health and Human Services or the~~
department in an investigation} 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.
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(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.

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

213 ~~{(2)}~~ }

(a){(2)} The department shall issue a cease and desist order ~~{to}~~ in accordance with Subsection 4-2-606(7) if the department proves that a producer ~~{prohibiting}~~ is the ~~{sale}~~ likely source of a foodborne illness outbreak linked to 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.}}~~ }

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.}}~~ }

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- 237 (d){(a)} {~~A producer who receives~~} Within two working days of issuing a cease and desist order {~~from~~}
{~~the~~}, the department shall {~~stop the sale~~} collect a sample of {~~the~~} raw milk or a raw milk product
{~~named~~} for whole genome sequencing and may test for an item listed in {~~the cease and desist~~
order} Subsection 4-3-603(8).
- 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)} {~~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 pathogens listed in~~
~~Subsection (3)(b); or~~}
- 246 {(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)} {~~histeria monocytogenes;~~}
- 255 {(iii)} {~~salmonella; and~~}
- 256 {(iv)} {~~campylobacter.~~}
- 257 (c){(b)} The department shall {~~notify a producer who is subject to a cease and desist order that~~}
share with the {~~cease and desist order is not in effect~~} producer whole genome sequencing results
within {~~one~~} 15 working days from the day {~~of~~} the {~~conditions of~~} sample is taken under this
Subsection {~~(3)(a) being met~~} (3) unless the time frame is extended by the department in writing.
- 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~~}

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- 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 { (e) { 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) { (c) } Upon the producer's request of a producer, and at the { producer being liable for the
costs of the second laboratory } producer's expense, the department shall { have the } submit a
sample { collected under Subsection (4)(a) analyzed } tested by { two accredited laboratories } the
department or in an approved laboratory to a second approved laboratory for testing.
- 277 { (ii) { The producer shall select the second accredited laboratory. } }
- 278 { (5) }
- { (a) { Subject to the requirements of Subsection (5)(b), the following may notify the public of a
foodborne illness outbreak linked to raw milk or a raw milk product: } }
- 280 { (i) { the department; } }
- 281 { (ii) { the Department of Health and Human Services in accordance with Section 26B-1-202; and } }
- 283 { (iii) { a local health department. } }
- 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) { (4) } { Before publicly disclosing a producer's name or identifying information under Subsection (5)
(b) } The department, the Department of Health and Human Services, or a local health department
{ shall verify } may publicly disclose that { the department notified the producer that the department
has linked } a producer is the { producer to } likely source of a foodborne illness { with a positive
whole genome sequencing test. } outbreak only:
- 256 (a) if proven by a positive whole genome sequencing test; and
- 293

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(6){(b)} ~~{Upon written request by a producer with a cease and desist order,}~~ after the department
~~{shall provide}~~ notifies the producer ~~{information on how to request a hearing regarding}~~ in
writing before the ~~{department's decision to issue the cease and desist order}~~ disclosure.

258 Section 7. Section 7 is enacted to read:

259 **4-3-606. Department testing, inspecting, or other actions -- Penalties and enforcement.**

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

301 (a){(1)} ~~{collect}~~ The department may collect and test a sample of raw milk or a raw milk product~~{;}~~ :

302 (b){(a)} ~~{provide}~~ for the ~~{testing of a sample of raw milk or a raw milk product}~~ monthly tests
required by Subsection 4-3-603(9); {or}

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)

303 (c){(a)} The department may inspect ~~{the}~~ premises ~~{of a producer.}~~ :

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

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- 286 (b) if there is a suspicion that the raw milk or raw milk product is the likely source of a foodborne
illness outbreak.
- 304 (2){(4)}
- (a) The department {may} shall establish and collect a fee in accordance with Section 63J-1-504 for
{the taking of a sample, testing,} a test conducted under this part or an inspection {conducted in
accordance with this part} under Subsection (2).
- 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){(5)} {If} During a 12-month period, the {Department of Health and Human Services or the
department links a producer's-} department may impose an administrative fine against a person that
produces or sells adulterated or misbranded 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} as follows:
- 313 (i){(a)} upon the first violation, {a penalty-} an administrative fine of {no-} not more than \$500;
- 314 (ii){(b)} upon a second violation, {a penalty-} an administrative fine of {no-} not more than \$1,000;
and
- 315 (iii){(c)} upon a third or subsequent violation, {a penalty-} an administrative fine of {no-} 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

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(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.

316 ~~(b){(8)}~~ The department may impose ~~{the penalties described in Subsection (3)(a) in addition to issuing a cease and desist order }~~ a civil penalty under Section ~~{4-3-605}~~ 4-2-304 for a violation of this part not described in Subsections (5) through (7).

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

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.**

This Bill Repeals:

326 This bill repeals:

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

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

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

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

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

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

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

328 (c) label the raw milk with:

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

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- 330 (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;
332 (iii) the statement: "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no
matter how carefully produced, may be unsafe."; and
334 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
335 (d) cool the raw milk:
336 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
and
338 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;
340 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-
forming units per milliliter;
342 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and
other diseases carried through milk;
344 (g) maintain records of tests for a minimum of six months; and
345 (h) notify the department of the producer's intent to sell raw milk in accordance with this section and
include in the notification the producer's name and address.

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

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

- 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.

328 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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