

HB0179S04 compared with HB0179S03

~~{Omitted text}~~ shows text that was in HB0179S03 but was omitted in HB0179S04
inserted text shows text that was not in HB0179S03 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 ▶ ~~{modifies an exemption from certain dairy regulations;}~~
- 9 ▶ defines terms;
- 10 ▶ ~~{outlines general requirements related}~~ requires a permit to produce and sell raw milk or a raw
11 milk ~~{products}~~ product;
- 12 ▶ ~~{addresses prohibited counts in raw milk;}~~
- 13 ▶ ~~{prescribes labeling;}~~
- 14 ▶ provides for ~~{the}~~ suspension and ~~{reissuance}~~ reinstatement of ~~{permits}~~ a permit;
- 15 ▶ provides for general operational requirements, including routine testing;
- ▶ addresses signage, labeling, and marketing material;
- ▶ addresses foodborne illness outbreaks;
- ▶ addresses ~~{cease}~~ testing and ~~{desist orders}~~ inspections;

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- 16 ▶ ~~{addresses rulemaking;}~~
- 17 ▶ ~~{provides for fees;}~~
- 18 ▶ ~~{imposes penalties;}~~
- 19 ▶ ~~{exempts from certain requirements sales or deliveries of raw milk or raw products from a~~
farm;}
- 21 ▶ ~~{provides for an exemption for small producers;}~~
- 22 ▶ provides for ~~{no severability}~~ enforcement and penalties; and
- 23 ▶ 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

31 ~~{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

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}~~

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:

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

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

49 (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.

53 (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.

58 (3) A permit issued under this section expires at midnight on December 31 of each year.

59 (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.

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 { } 4-3-601]~~, 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:

76 (a) the owner of the farm;

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- 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:

- 68 (1) "Approved laboratory" means a laboratory accredited by a nationally recognized organization and approved by the department.
- 90 (1){(2)} {"Batch"} "Consumer" means {all the} an end user who purchases raw milk {emptied from one bulk tank and bottled in} or a {single day} raw milk product for personal or household use.
- 91 (2){(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 productto 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.
- 94 (3){(5)} "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.
- 78 (6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.
- 80 (7) "Market" means a retail location or establishment other than the premises of the producer that is registered with the department as a food establishment in accordance with Section 4-5-301 and where raw milk or a raw milk product is offered for sale directly to a consumer.
- 96 (4){(8)} "Premises" means the property {and facilities} or facility used for the:
- 97 (a) housing or milking of lactating animals; or
- 98 (b) processing, storage, or sale of raw milk or a raw milk product.

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- 99 (5){(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.
- 101 (6){(10)} "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 102 (7){(11)} "Raw milk product" means a product produced from raw milk.
- 103 {(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.} }
- 91 Section 3. Section 3 is enacted to read:
- 92 **4-3-602. {General operational requirements} Permit required -- Suspension of permit.**
- 108 (1) ~~{Except as provided in Section 4-3-608 or 4-3-609, a producer of raw milk or a raw milk product }~~
A person may ~~{manufacture, distribute, }~~ not produce and sell ~~{, deliver, hold, store, or offer for sale~~
~~the}~~ raw milk or a raw milk product ~~{in accordance with this part}~~ without a permit issued by the
department under this section.
- 111 {(2)} ~~{To engage in an activity listed in Subsection (1), the producer shall: }~~
- 95 (2) The permit application shall include:
- 96 (a) the intended method of sale, including direct-to-consumer, by a market, or both direct-to-consumer
and by a market;
- 98 (b) a declaration of understanding and intent to comply with this part;
- 99 (c) an example of signage and labeling compliant with Section 4-3-604;
- 100 (d) the species of lactating animals that produces the raw milk;
- 112 (a){(e)} ~~{obtain}~~ a permit ~~{from}~~ number assigned by the department ~~{in accordance with Subsection~~
4-3-301(6)} ;
- 102 (f) a recall plan compliant with Subsection 4-3-603(7);
- 103 (g) whether raw milk will be sold;
- 113 (b){(h)} ~~{conduct the sale and delivery}~~ the type of ~~{the}~~ a raw milk product ~~{on}~~ , if any, that will
be produced or sold including the ~~{premises where the raw milk or raw milk product is}~~ type of
cheese that will be produced ~~{, except as provided by Subsection (3)}~~ or sold;and
- 115 {(e)} ~~{sell raw milk or a raw milk product to a consumer for household use and not for resale;}~~
- 117 {(d)} ~~{bottle or package raw milk or a raw milk product under sanitary conditions and in sanitary~~
containers on the premises where the raw milk or raw milk product is produced;}
- 120 {(e)} }

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- {(i) {cool raw milk or the raw milk used to produce the raw milk product;}}
121 {(A) {to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the
 animal; and}}
123 {(B) {to 41 degrees Fahrenheit within two hours of being drawn from the animal; and}}
125 {(ii) {maintain raw milk at 41 degrees Fahrenheit or a lower temperature until the raw milk is delivered
 to the consumer or used to produce the raw milk product;}}
127 {(f) {ensure that the production of raw milk or a raw milk product conforms to departmental rules for
 the production of grade A milk products;}}
129 {(g) {ensure that the dairy animals on the premises are;}}
130 {(i) {permanently and individually identifiable; and}}
131 {(ii) {free of tuberculosis, brucellosis, and other diseases carried through milk;}}
132 {(h) {ensure that any individual on the premises performing any work in connection with the
 production, bottling, packaging, handling, or sale of raw milk or a raw milk product is free from
 communicable disease;}}
135 {(i) {refrain from offering raw milk or a raw milk product for sale until;}}
136 {(i) {the department or a third party certified by the department tests each batch of raw milk or raw
 milk used to produce a raw milk product for the standard bacterial count and coliform count
 described in Section 4-3-603; and}}
139 {(ii) {the test results meet the minimum standards established under Section 4-3-603 for the tests taken
 under this Subsection (2)(i);}}
141 {(j) {ensure that the plant complies with Chapter 5, Utah Wholesome Food Act, and the rules governing
 food establishments enacted under Section 4-5-301; and}}
143 (k){(i) {comply with other information requested by the {applicable rules} department by rule 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

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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. } }

- 108 (3)
- (a) Subject to Subsection (3)(c), a permit is valid for the calendar year in which the person is issued a permit.
- 154 (4) (b) {A person who conducts} To renew a {test required by Subsection (2)(i)} permit, a person shall {send} file a {copy of the test results to} renewal application with the department {as soon as the test results are available} by no later than December 31.
- 112 (c) If a producer changes information listed in Subsection (2), the producer shall submit a new permit application by no later than 30 days before the change and mark that the permit application is an updated application.
- 115 (4)
- (a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for issuing or renewing a permit under this part.
- 117 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee under this Subsection (4) as a dedicated credit and may only use the fee to administer and enforce this part.
- 120 (5)
- (a) The department shall suspend a permit issued under this section if three out of five consecutive samples violate a standard established under Subsection 4-3-603(8).
- 122 (b) The department may reissue a permit that has been suspended under Subsection (5)(a) if the producer:
- 124 (i) obtains three consecutive tests that meet all the standards described in Subsection 4-3-603(8); and
- 126 (ii) complies with all of the requirements of this part and rules made as authorized by this part.
- 128 (c) A person whose permit is suspended under this section may appeal the action in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 130 Section 4. Section 4 is enacted to read:
- 131 4-3-603. {Prohibited counts -- Pathogens} **General operational requirements.**
- 158 (1)

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- 134 (a) A person may produce raw milk only from an animal owned by a producer permitted by the department.
- (b) Raw milk shall originate from a lactating animal, including a cow, goat, or sheep.
- (a) ~~(2)~~ {The bacterial count of} A person may sell raw milk or {raw milk used to produce} a raw milk product {may not exceed 20,000 colony forming units per milliliter} only within Utah.
- 136 (3)
- (a) A producer shall obtain regular services by a licensed veterinarian for the producer's herd of lactating animals.
- 138 (b) Subject to Subsection (10), a producer shall maintain veterinary care records, including:
- 140 (i) routine herd health checks;
- 141 (ii) disease screening;
- 142 (iii) treatment documentation; and
- 143 (iv) withdrawal period verification.
- 144 (c) A producer shall:
- 145 (i) comply with a withdrawal period after animal treatment;
- 146 (ii) routinely screen for mastitis or illness; and
- 147 (iii) refrain from selling raw milk or a raw milk product from a sick animal.
- 148 (4)
- (a) A person may not sell raw milk or a raw milk product through a food service establishment or under Chapter 5a, Home Consumption and Homemade Food Act.
- 150 (b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a food service establishment.
- 152 (c) A producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the premises where that raw milk is produced unless:
- 154 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery provider; and
- 160 (b) ~~(ii)~~ {If the bacterial count of} the label on the raw milk or {the} raw milk {used to produce} product is not changed from the label required under Section 4-3-604 placed on the raw milk or raw milk product {exceeds 40,000 colony forming units per milliliter or if} by the producer {is implicated in a foodborne illness outbreak} .
- 159 (5)

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- 162 (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.
- 164 (b) A producer shall use a raw milk container that is tamper-resistant, food-grade, and compliant with the labeling requirements of Section 4-3-604.
- 164 (6)
- 165 (a) A producer shall use a separate enclosed facility for:
- 166 (i) animal housing;
- 167 (ii) milking; and
- 168 (iii) processing and packaging.
- 171 (b) Premises used for milking or processing and packaging shall meet the sanitation standards adopted by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 171 (7)
- 163 (i) ~~{(a) {the department or third party certified} A producer shall implement a recall plan approved by the department {shall test the raw milk; and} .}~~
- 172 (b) If a producer recalls raw milk or a raw milk product, the producer shall publish notice of the recall on the producer's website and social media, if any.
- 165 (ii) ~~{(8) {the} Raw milk or a raw milk product may not contain {a pathogen listed in Subsection (3).} : {2} }~~
- 175 (a) aerobic bacteria that exceeds 20,000 colony forming units per milliliter;
- 168 (a) ~~{(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~~
- 171 (b) ~~{If the coliform count of raw milk or the raw milk used to produce the raw milk product exceeds 20 colony forming units per milliliter or if the producer is implicated in a foodborne illness outbreak:} }~~
- 173 (i) ~~{the department or third party certified by the department shall test the raw milk; and} }~~
- 174 (ii) ~~{the raw milk may not contain a pathogen listed in Subsection (3).} }~~
- 175 (3) ~~{The pathogens described in Subsections (1) and (2) are:} }~~
- 176 (a) ~~{(c) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e. coli{:} .~~
- 177 (b) ~~{listeria monocytogenes;} }~~
- 179 (9)

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(a) The department or the producer through an approved laboratory shall test a sample of raw milk or a raw milk product monthly to ensure compliance with the aerobic bacteria and coliform count standards of Subsection (8).

182 (b) If a test finds that a sample tested under Subsection (9)(a) exceeds the aerobic bacteria or coliform count standard of Subsection (8), the department may test or require the producer through an approved laboratory to test for detectable levels of the pathogens listed in Subsection (8)(c).

186 (c) A producer shall report a positive finding of a pathogen listed in Subsection (8)(c) to the department within two business days of receipt of a test finding the pathogen.

188 (10)

(a) A producer shall retain the following records for a minimum of two years:

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

177 (c){(ii)} {salmonella} test results; {and}

178 {(d) {campylobacter.}}

191 (iii) a record of a contract with a delivery provider and a delivery made under the contract; and

193 (iv) a record of a sale to a market.

194 (b) A producer shall maintain a temperature log for a minimum of three months.

195 (c) Except as provided in Subsection (9)(c), a producer shall disclose a record described in this Subsection (10) to the department upon request of the department in the case of a suspicion that raw milk or a raw milk product is the likely source of a foodborne illness outbreak.

199 Section 5. Section 5 is enacted to read:

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

181 (1) A producer shall {label} conspicuously post signage at the {container of} location where raw milk or a raw milk product {with a label that states "raw milk" or "raw milk product" and meets the labeling requirements under 21 C.F.R. Parts 101 and 131 and rules made by the department.} is displayed for sale stating: "THIS PRODUCT IS RAW MILK OR MADE WITH RAW MILK."

184 (2) {In addition to complying with Subsection (1), a producer} A person shall label {the} a raw milk or raw milk product container {described in Subsection (1)} with:

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

206 (a) the statement: "RAW MILK" or "RAW MILK PRODUCT" in letters at least 1/4 inch high;

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- 188 (b) ~~the {statement} warning:~~ "Raw milk ~~{or raw milk products}~~ , no matter how carefully produced,
may be unsafe.";
- 190 ~~{(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;
- 191 ~~(d){(iii)} {a specific colored label as determined by the-} department {by rule; and} issued permit~~
number;
- 192 ~~{(e) {any other information required by rule made in accordance with Title 63G, Chapter 3, Utah~~
Administrative Rulemaking Act.}}
- 214 (iv) producer name and address;
- 215 (v) animal source;
- 216 (vi) ingredient list; and
- 217 (vii) allergen statement meeting federal requirements for milk.
- 218 (3) A producer that sells raw milk or a raw milk product may not:
- 219 (a) on signage, a label, or marketing material:
- 220 (i) use the department's name or logo; or
- 221 (ii) describe raw milk or a raw milk product as grade A; or
- 222 (b) use a label that contains a medical claim.
- 223 Section 6. Section 6 is enacted to read:
- 224 **4-3-605. {Suspension of permit} Foodborne illness outbreak -- Cease and desist.**
- 196 ~~{(1) {The department shall suspend a permit issued under Section 4-3-301 if:}}~~
- 197 ~~{(a) {two out of four consecutive samples or two samples in a 30-day period violate standards~~
established under Section 4-3-603; or}}
- 199 ~~{(b) {a producer violates this part or a rule made by the department, in accordance with Title 63G,~~
Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part.}}
- 225 (1)
- 202 ~~(2){(a)} The department may ~~{reissue}~~ prove that a ~~{permit that has been suspended under this section~~
if the}~~ 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;

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- 228 (ii) a laboratory finding;
229 (iii) whole genome sequencing;
230 (iv) traceback and supply chain documentation; or
204 (a){(v)} ~~{obtains}~~ a ~~{test result that meets the}~~ violation of safety standards {described in Subsections
4-3-603(1) and (2); and}.
- 232 (b) The department is not required to obtain a pathogen-positive result to prove that a producer is the
likely source of a foodborne illness outbreak if other evidence establishes the raw milk or raw milk
product as the likely source of a foodborne illness outbreak.
- 236 (c) Notwithstanding Subsection (1)(a)(i), if the Department of Health and Human Services or the
department uses an epidemiological method to determine whether raw milk or a raw milk product is
the likely source of a foodborne illness outbreak, the epidemiological method shall include questions
that probe the common sources of the implicated pathogen for the foodborne illness outbreak.
- 241 (2) The department shall issue a cease and desist order in accordance with Subsection 4-2-606(7) if the
department proves that a producer is the likely source of a foodborne illness outbreak linked to raw
milk or a raw milk product.
- 244 (3)
- 206 (b){(a)} ~~{complies with all of the requirements}~~ Within two working days of {this part} issuing a
cease and {rules made by} desist order, the department{-} shall collect a sample of raw milk or a
raw milk product for whole genome sequencing and may test for an item listed in {accordance with
Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this part} Subsection
4-3-603(8).
- 247 (b) The department shall share with the producer whole genome sequencing results within 15 working
days from the day the sample is taken under this Subsection (3) unless the time frame is extended by
the department in writing.
- 209 (3){(c)} Upon ~~{written}~~ request ~~{by}~~ of a producer ~~{with a suspended permit}~~, and at the producer's
expense, the department shall ~~{provide the producer information on how to request}~~ submit
a {hearing regarding the department's decision to suspend the permit} sample tested by the
department or in an approved laboratory to a second approved laboratory for testing.
- 253 (4) The department, the Department of Health and Human Services, or a local health department may
publicly disclose that a producer is the likely source of a foodborne illness outbreak only:
- 256 (a) if proven by a positive whole genome sequencing test; and

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- 257 (b) after the department notifies the producer in writing before the disclosure.
258 Section 7. Section 7 is enacted to read:
259 4-3-606. {Foodborne illness outbreak} Department testing, inspecting, or other actions --
{Cease} Penalties and {desist} enforcement.
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){(1) The department {shall issue a cease} may collect and {desist order to} test a {producer
prohibiting the sale} sample of raw milk or a raw milk product {if after the investigation of a
foodborne illness outbreak the department links the foodborne illness outbreak to a producer
pending testing required by Subsection (4).} :
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) }
262 (a) for the monthly tests required by Subsection 4-3-603(9);
263 (b) during an inspection if there is suspicion of adulteration;
(a){(c) {Subject to the requirements of Subsection (3)(b),} anytime there is a suspicion that the
{following may notify} producer is the {public} likely source of a foodborne illness outbreak
{linked to raw milk} ; or {a raw milk product.}
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)

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- 233 (i) ~~{(a) {the} The department{:} }~~ may inspect premises:
- 234 ~~{(ii) {the Department of Health and Human Services in accordance with Section 26B-1-202; and} }~~
- 236 ~~{(iii) {a local health department.} }~~
- 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
- 237 (b) ~~{(v) {Before an agency listed in Subsection (3)(a) may publicly disclose a producer's name~~
~~or identifying information.} }~~ when the department {shall notify the producer that} receives a
complaint from the public that a producer violates this part and ~~the department {has linked-}~~
discloses to the producer {to a foodborne illness outbreak with a positive whole genome sequencing
test} the underlying facts of the complaint before the inspection.
- 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) }~~
- 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.
- (a) ~~{(3) {A cease and desist} The department may detain, test, or order {shall remain in effect until} }~~
~~the {department} destruction of raw milk or a raw milk product:~~
- 247 ~~{(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} }~~
- 285 (a) that is adulterated or misbranded as defined in Section 4-3-102; or
- 251

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- (ii){(b)} {receives} if there is a {genome sequencing test result that demonstrates} suspicion that the {producer's} raw milk or raw milk product is {not linked to} the likely source of a foodborne illness outbreak {that is the subject of the cease and desist order} .
- 254 {(b)} {The department shall notify a producer who is subject to a cease and desist order that the cease and desist order is not in effect within one working day of the conditions of Subsection (4)(a) being met.} }
- 257 (5){(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 a laboratory for testing, at the discretion of the producer:} }
- 260 {(i)} {for purposes of testing for a pathogen listed in Subsection 4-3-603(3); and} }
- 261 (ii){(a)} {if the} The department {wants to publicly disclose} shall establish and collect a fee in accordance with Section 63J-1-504 for a {producer's name or identifying information} test conducted under this part or an inspection under Subsection {(3), whole genome sequencing testing} (2).
- 263 {(b)} {For purposes of a test described in Subsection (4)(a)(i), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.} }
- 266 {(e)} {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){(b)} {Upon written request by a producer with a cease and desist order} Notwithstanding Section 63J-1-504, the department shall {provide} retain the {producer information on how to request} }

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fee as a {hearing regarding the department's decision} dedicated credit and may only use the fee to {issue the cease} administer and {desist order} enforce this part.

292 (5) During a 12-month period, the department may impose an administrative fine against a person that produces or sells adulterated or misbranded raw milk or raw milk product as follows:

295 (a) upon the first violation, an administrative fine of not more than \$500;

296 (b) upon a second violation, an administrative fine of not more than \$1,000; and

297 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.

298 (6) The department may impose an administrative fine in the amount listed in Subsection (5) if a producer sells raw milk or a raw milk product without being permitted under this part.

301 (7)

(a) The department may impose the following against a person that the department proves to be the likely source of a foodborne illness outbreak under Section 4-3-606 during a 12-month period described in Subsection (7)(b):

304 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14 days;

306 (ii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(i) or upon a second proof of a foodborne illness outbreak, a cease and desist order of 14 days and an administrative fine of \$500;

309 (iii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(ii) or upon a third proof of a foodborne illness outbreak, a cease and desist order of 14 days and an administrative fine of \$1,000; and

312 (iv) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(iii) or upon a fourth or subsequent proof of a foodborne illness outbreak, an administrative fine of \$3,000.

315 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the day on which a cease and desist order is imposed under Subsection (7)(a)(i) and ends 12 months after the day which the cease and desist order is imposed under Subsection (7)(a)(i). A foodborne illness outbreak or new case that occurs after the 12-month period described in this Subsection (7)(b) results in the start of a new 12-month period.

321 (8) The department may impose a civil penalty under Section 4-2-304 for a violation of this part not described in Subsections (5) through (7).

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(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 --**

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

280 **4-3-607. Department rulemaking -- Fees -- Penalties and enforcement.**

281 (1)

(a) Rules made by the department, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall include rules regarding:

283 (i) permits;

284 (ii) building and premises requirements;

285 (iii) sanitation and operating requirements, including bulk milk tank requirements;

286 (iv) additional tests;

287 (v) use of a third-party testing laboratory within or outside of the state;

288 (vi) frequency of inspections, including random cooler checks;

289 (vii) recordkeeping; and

290 (viii) packaging and labeling.

291 (b) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the standards of identity for a raw milk product.

294 (c) A producer operating under Section 4-3-608 or 4-3-609 is exempt from a rule made by the department under this part.

296 (2)

(a) The department may establish and collect a fee in accordance with Section 63J-1-504 for the testing or an inspection conducted in accordance with this part.

298 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee imposed under this Subsection (2) as a dedicated credit and may only use the fee to administer and enforce this part.

301 (3)

(a) If the Department of Health and Human Services or the department links a producer's raw milk or raw milk product to a foodborne illness outbreak and the department finds that the producer

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has violated this part, the department may impose upon the producer the following administrative penalties:

(i) upon the first violation, a penalty of no more than \$300;

(ii) upon a second violation, a penalty of no more than \$750; and

(iii) upon a third or subsequent violation, a penalty of no more than \$1,500.

(b) The department may impose the penalties described in Subsection (2)(a) in addition to:

(i) suspending a permit under Section 4-3-605; or

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

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

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

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

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

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

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

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

(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;

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

(i) the producer's name and address;

(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;

(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

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

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

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

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

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(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.

328 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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