

HB0283

inserted text shows text that was not in HB0283 but was inserted into HB0283S01

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Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

4-3-601 , Utah Code Annotated 1953

4-3-602 , Utah Code Annotated 1953

4-3-603 , Utah Code Annotated 1953

4-3-604 , Utah Code Annotated 1953

4-3-605 , Utah Code Annotated 1953

4-3-606 , Utah Code Annotated 1953

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

REPEALS:

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

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

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

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

(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.

(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.

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

(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

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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.

- 54 [(5) Notwithstanding the requirements of Subsection (1), application for a permit or certificate to
produce milk or a raw milk product, as that term is defined in Section 4-3-503, shall be made to the
department on forms prescribed and furnished by the department.]
- 58 [(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.]
- 61 [(b) A fee may not be charged by the department for issuance of a certificate.]
- 62 (5) Notwithstanding Subsection (1), { a person shall register to produce or market raw milk or a raw
milk product as provided } in accordance with Part 6, Raw Milk, on a form prescribed and furnished
by the department, a person shall register to produce and sell raw milk or a raw milk product.
- 63 Section 2. Section 2 is enacted to read:
- 65 **4-3-601. Definitions.**
6. Raw Milk
- As used in this part:
- 69 (1) "Batch" means the milk emptied from one bulk tank and bottled in a single day.
- 70 (2) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or
household use.
- 70 (3) "Delivery provider" means a person who under contract with a producer delivers raw milk or a raw
milk product to a consumer or market.
- 72 (3)(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.
- 74 (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.
- 76 (5)(6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.
- 78 (6)(7) "Market" means a retail location or establishment other than the premises of the producer where
raw milk or a raw milk product is offered for sale directly to a consumer.
- 80 (7)(8) "Premises" means the property or facility used for the:
- 81 (a) housing or milking of lactating animals; or

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

(8)(9) "Producer" means a person that owns a lactating animal and produces, bottles, packages, or sells raw milk or a raw milk product.

(9)(10) "Raw milk" means milk from a lactating animal that has not been pasteurized.

(10)(11) "Raw milk product" means a product produced from raw milk.

Section 3. Section 3 is enacted to read:

4-3-602. Registration.

(1) A person{~~including a market.~~} may not {~~engage in the following~~} produce and sell raw milk or a raw milk product without registering with the department{:}.

{(a) {~~the production and sale of raw milk or a raw milk product; or~~}

{(b) {~~the sale of raw milk or a raw milk product.~~}

(2) The registration application shall be in the form of a postcard and include:

{(a) {~~the intended method of sale, including direct-to-consumer, by a market, or both direct-to-consumer and by a market;~~}

{(b) {~~a declaration of understanding and intent to comply with this part;~~}

{(c) {~~an example of signage and labeling compliant with Section 4-3-604;~~}

(a) the business name and address of the producer; and

(d){(b)} the species of lactating animals that {~~produces~~} produce the raw milk{:}.

{(e) {~~a registration number assigned by the department;~~}

{(f) {~~a recall plan compliant with Subsection 4-3-603(7);~~}

{(g) {~~whether raw milk will be sold;~~}

{(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~~}

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

(3)

(a) Subject to Subsection (4), registration is valid for the calendar year in which the person registers.

(b) To renew a registration, a person shall file a renewal application with the department in the form of a postcard by no later than December 31.

{(4) }

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(a){ ~~(4)~~ } If a producer { ~~or market~~ } changes information listed in Subsection (2) that is provided in a postcard registration application, the producer { ~~or market~~ } shall submit a new registration application by no later than 30 days before the change and mark that the registration application is an updated application.

{ ~~(b) { The department may impose a fee to process an updated application that is filed less than 30 days before the change described in Subsection (4)(a). } }~~ }

Section 4. Section 4 is enacted to read:

4-3-603. General operational requirements.

(1)

(a) A person may produce raw milk only from an animal owned by the registered producer.

(b) Raw milk shall originate from a lactating animal, including a cow, goat, or sheep.

(2) A person may sell raw milk or a raw milk product only within Utah.

(3)

(a) A producer shall obtain regular services by a licensed veterinarian for the producer's herd of lactating animals.

(b) Subject to Subsection (9), a producer shall maintain veterinary care records, including:

(i) routine herd health checks;

(ii) disease screening;

(iii) treatment documentation; and

(iv) withdrawal period verification.

(c) A producer shall:

(i) comply with a withdrawal period after animal treatment;

(ii) routinely screen for mastitis or illness; and

(iii) refrain from selling raw milk or a raw milk product from a sick animal.

(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.

(b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a food service establishment.

(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:

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- 126 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery
140 provider; and
- 140 (i){(ii)} the label on the raw milk or raw milk product is {transported directly to a milk processing
plant permitted by} not changed from the {department} label required under Section {4-3-301 or}
4-3-604 placed on the raw milk or raw milk product by {another state;} the producer.
- 142 {(ii) {the product has been denatured with an approved denaturant, as defined by the department by
rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
conspicuously labeled "FOR ANIMAL FOOD NOT FOR HUMAN CONSUMPTION"; or}}
- 146 {(iii) {the producer removes the raw milk or raw milk product for the purpose of a sale allowed under
this part.}}
- 148 (5)
- (a) A person shall cool raw milk to 41 degrees Fahrenheit or below within two hours of milking and
maintain the raw milk or a raw milk product at or below 41 degrees Fahrenheit at all times.
- 151 (b) A producer shall use a raw milk container that is tamper-resistant and food-grade.
- 152 (c) During transport, a person shall:
- 153 (i) maintain raw milk or a raw milk product at or below 41 degrees Fahrenheit; and
- 154 (ii) if the producer, package the raw milk or a raw milk product in a tamper-resistant, food-grade
container compliant with the labeling requirements of Section 4-3-604.
- 156 (6)
- (a) A producer shall use a separate enclosed facility for:
- 157 (i) animal housing;
- 158 (ii) milking; and
- 159 (iii) processing and packaging.
- 160 (b) Premises used for milking or processing and packaging shall include:
- 161 (i) a sanitary toilet and handwashing station;
- 162 (ii) a wastewater disposal system approved by the applicable state or local agency; and
- 164 (iii) a proper cleaning, sanitizing, and storage area for equipment or packaging.
- 165 (7)
- (a) A producer {or market} shall implement a recall plan approved by the department.
- 166 (b) If a producer {or market} recalls raw milk or a raw milk product, the producer {or market} shall
publish notice of the recall on the producer's {or market's} website and social media, if any.

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(8)

(a) Raw milk or a raw milk product may not contain:

(i) drug residues;

(ii) aerobic bacteria that exceeds 20,000 colony forming units per milliliter;

(iii) a coliform count that exceeds 10 colony forming units per milliliter;or

(iv) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e. coli.

(b) A producer shall report positive pathogen or drug residue findings to the department within two business days of receipt of a test finding the pathogen or drug residue.

(c) A producer shall comply with department rules, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to address a finding described in Subsection (8)(b).

~~{(d) {A producer shall retain a sample of at least four ounces from each batch for nine days.}}~~

(9)

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

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

(ii) test results and corrective actions{-};

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

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

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

(c) Except as provided in Subsection (8), a producer shall disclose a record described in this Subsection (9) to the department upon request of the department in the case of a suspicion that the raw milk or raw milk product is linked to a foodborne illness outbreak.

Section 5. Section 5 is enacted to read:

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

(1) A producer {or market} 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."

(2) A person shall label a raw milk or raw milk product container with:

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

(b) the warning: "Raw milk, no matter how carefully produced, may be unsafe.";

(c) a black cap for fluid raw milk; and

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(d) the following additional information:

(i) net volume;

(ii) production and consume-by date;

(iii) department issued registration number;

(iv) producer name and address;

(v) animal source;

(vi) ingredient list; and

(vii) allergen statement meeting federal requirements for milk.

(3) A producer {or market} that sells raw milk or a raw milk product may not on signage, labels, or marketing material:

(a) use the department's name or logo; or

(b) describe raw milk or a raw milk product as grade A.

Section 6. Section 6 is enacted to read:

4-3-605. {Requirements specific to markets} Foodborne illness outbreak -- Cease and desist.

(1)

(a) The department may prove that a producer is the likely source of a foodborne illness outbreak on the basis of:

(i) epidemiological and statistical evidence;

(ii) a laboratory finding;

(iii) whole genome sequencing;

(iv) traceback and supply chain documentation; or

(v) a violation of safety standards.

(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.

(1){(2)} {A-market} The department shall {purchase} 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 {only from a registered producer}.

(3)

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- (2){(a)} ~~{A market shall store}~~ Within two working days of issuing a cease and desist order, the department shall collect a sample of raw milk or a raw milk product {separately from pasteurized products} for whole genome sequencing and may test for an item listed in Subsection 4-3-603(8)(a).
- 214 { (3) ~~{A market shall display raw milk or a raw milk product separately from pasteurized products.}~~ }
- 216 { (4) ~~{A market shall display raw milk or a raw milk product at 41 degrees Fahrenheit or a lower temperature in a display case equipped with a properly calibrated thermometer.}~~ }
- 218 { (5) ~~{A market shall display the signage required by Subsection 4-3-604(1).}~~ }
- 219 { (6) ~~{A market shall maintain the following records for three months:}~~ }
- 220 { (a) ~~{a bill of lading;}~~ }
- 221 { (b) ~~{an invoice; and}~~ }
- 222 { (c) ~~{a purchase record.}~~ }
- 215 (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.
- 218 (c) Upon request of a producer, and at the producer's expense, the department shall submit a sample tested in one lab to a second lab approved by the department for testing.
- 221 (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:
- 224 (a) if proven by a positive whole genome sequencing test; and
- 225 (b) after the department notifies the producer in writing before the disclosure.
- 226 Section 7. Section 7 is enacted to read:
- 227 **4-3-606. {Foodborne illness outbreak} Department testing, inspecting, or other actions --**
{Cease} Penalties and {desist} enforcement.
- 229 (1) The department may collect and test a sample of raw milk or a raw milk product:
- 230 (a) during an inspection if there is suspicion of adulteration;
- 231 (b) anytime there is a suspicion that the producer is linked to a foodborne illness outbreak; or
- 233 (c) when the department receives a complaint from the public that a producer violates this part.
- 225 (1){(2)}
- (a) The department may inspect premises:
- 236 (i) upon initial registration by a producer;

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- (a) ~~{(ii) {The department may prove} anytime there is a suspicion that a producer {or market is the likely source of} is linked to a foodborne illness outbreak {on the basis of:}; or~~
- 227 ~~{(i) {epidemiological and statistical evidence;}}~~
- 239 ~~(iii) when the department receives a complaint from the public that a producer violates this part.~~
- 241 (b) For a producer, the department may inspect the following under this Subsection (2):
- 228 ~~(ii){(i) a {laboratory finding} production area;~~
- 229 ~~{(iii) {whole genome sequencing;}}~~
- 230 ~~{(iv) {traceback and supply chain documentation; or}}~~
- 231 ~~{(v) {a violation of safety standards.}}~~
- 243 (ii) a milking space; or
- 244 (iii) a bottling or processing facility.
- 245 (c) The department may not impose a charge for an inspection under Subsection (2)(a)(i).
- 246 (3) The department may detain, test, or order the destruction of raw milk or a raw milk product:
- 248 (a) that is adulterated or misbranded as provided in Section 4-5-401; or
- 232 (b) {The department is not required to obtain} if there is a {pathogen-positive result to prove that a producer or market is the likely source of a foodborne illness outbreak if other evidence establishes} suspicion that the raw milk or raw milk product {as the likely source of} is linked to a foodborne illness outbreak.
- 251 (4)
- (a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for a test conducted under this part or an inspection under Subsection (2)(a)(ii) or (iii).
- 254 (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.
- 256 (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:
- 259 (a) upon the first violation, an administrative fine of not more than \$500;
- 260 (b) upon a second violation, an administrative fine of not more than \$1,000; and
- 261 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.
- 262 (6) The department may impose an administrative fine or suspension of operations in the amount and time frame listed in Subsection (5) if a producer sells raw milk or a raw milk product without being registered under this part.

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265 (7)
236 (2){ (a) } The department { ~~shall issue~~ } may impose the following against a { ~~cease and desist order in~~
~~accordance with Subsection 4-3-607(7) if~~ } person that the department proves { ~~that a producer or~~
~~market is~~ } to be the likely source of a foodborne illness outbreak { ~~linked to raw milk or~~ } under
Section 4-3-606 during a { ~~raw milk product~~ } 12-month period described in Subsection (7)(b):
239 { ~~(3)~~ }
268 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14 days;
(a){ (ii) } { ~~Within two working days~~ } upon a finding of a new case after the imposition of a penalty
under Subsection (7)(a)(i) or upon a second proof of { ~~issuing~~ } a foodborne illness outbreak, a cease
and desist order { ~~, the department shall collect a sample of raw milk or a raw milk product for whole~~
~~genome sequencing~~ } of 14 days and { ~~may test for an item listed in Subsection 4-3-603(8)(a):~~ } an
administrative fine of \$500;
242 { ~~(b)~~ } { ~~The department shall share with the producer or market 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.~~ }
245 { ~~(c)~~ } { ~~Upon request of a producer or market, and at the producer's or market's expense, the department~~
~~shall submit a sample tested in one lab to a second lab approved by the department for testing.~~ }
273 (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
248 (4){ (iv) } { ~~The department, the Department~~ } upon a finding of a new case after the imposition
of { ~~Health and Human Services, or a local health department may publicly disclose that~~ } a
penalty under Subsection (7)(a)(iii) or upon a { ~~producer~~ } fourth or { ~~market is the likely source~~ }
subsequent proof of a foodborne illness outbreak { ~~only:~~ } , an administrative fine of \$3,000.
251 { ~~(a)~~ } { ~~if proven by a positive whole genome sequencing test; and~~ }
252 { ~~(b)~~ } { ~~after the department notifies the producer or market in writing before the disclosure.~~ }
279 (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.

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(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).

(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.

Section 8. **Repealer.**

This Bill Repeals:

This bill repeals:

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

Severability not permitted.

Section 8. Section **8** is enacted to read:

4-3-607. Department testing, inspecting, or other actions -- Penalties and enforcement.

(1) The department may collect and test a sample of raw milk or a raw milk product:

(a) during an inspection if there is suspicion of adulteration; or

(b) anytime there is a suspicion that the producer or market is linked to a foodborne illness outbreak.

(2) The department may inspect premises of a producer or market upon initial registration and annually after initial registration.

(3) The department may detain, test, or order the destruction of raw milk or a raw milk product:

(a) that is adulterated or misbranded as provided in Section 4-5-401; or

(b) if there is a suspicion that the raw milk or raw milk product is linked to a foodborne illness outbreak.

(4)

(a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for a test or inspection conducted under this part.

(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.

(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:

(a) upon the first violation, an administrative fine of not more than \$2,000;

(b) upon a second violation, an administrative fine of not more than \$5,000; and

(c) upon a third or subsequent violation, an administrative fine of not more than \$10,000 and the suspension of operations by the producer or market under this part for not more than one year.

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(6) The department may impose an administrative fine or suspension of operations in the amount and time frame listed in Subsection (5) if a producer or market sells raw milk or a raw milk product without being registered under this part.

(7)

(a) The department shall 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):

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

(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 \$2,000;

(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 \$5,000; and

(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 \$10,000 and the suspension of operations by the producer or market under this part for one year.

(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.

(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).

(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.

Section 9. Effective date.

Effective Date.

This bill takes effect on May 6, 2026.

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