

HB0283S02 compared with HB0283S01

~~{Omitted text}~~ shows text that was in HB0283S01 but was omitted in HB0283S02
inserted text shows text that was not in HB0283S01 but was inserted into HB0283S02

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1

Raw Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses the regulation of raw milk.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ requires registration;

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▸ provides for general operational requirements;

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▸ addresses signage, labeling, and marketing material;

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▸ addresses foodborne illness outbreaks;

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▸ addresses testing and inspections;

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▸ provides for enforcement and penalties; and

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▸ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

HB0283S01

HB0283S01 compared with HB0283S02

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **4-3-301** , as last amended by Laws of Utah 2023, Chapter 528

23 ENACTS:

24 **4-3-601** , Utah Code Annotated 1953

25 **4-3-602** , Utah Code Annotated 1953

26 **4-3-603** , Utah Code Annotated 1953

27 **4-3-604** , Utah Code Annotated 1953

28 **4-3-605** , Utah Code Annotated 1953

29 **4-3-606** , Utah Code Annotated 1953

30 REPEALS:

31 **4-3-503** , as last amended by Laws of Utah 2025, Chapter 58

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

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

35 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal -- Raw milk registration.**

37 (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.

41 (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.

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

47 (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.

HB0283S01 compared with HB0283S02

52 [~~(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.]~~

56 [~~(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.]~~

59 [~~(b) A fee may not be charged by the department for issuance of a certificate.]~~

60 (5) Notwithstanding Subsection (1), 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:

67 (1) "Batch" means the milk emptied from one bulk tank and bottled in a single day.

68 (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 (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 (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 (6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.

78 (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.

80 (8) "Premises" means the property or facility used for the:

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

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

HB0283S01 compared with HB0283S02

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

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

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

89 Section 3. Section 3 is enacted to read:

90 **4-3-602. Registration.**

89 (1) A person may not produce and sell raw milk or a raw milk product without registering with the
department.

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

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

93 (b) the species of lactating animals that produce the raw milk.

94 (3)

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

96 (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.

98 (4) If a producer changes information listed in Subsection (2) that is provided in a postcard registration
application, the producer 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.

104 Section 4. Section 4 is enacted to read:

105 **4-3-603. General operational requirements.**

104 (1)

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

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

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

108 (3)

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

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

112 (i) routine herd health checks;

113 (ii) disease screening;

114 (iii) treatment documentation; and

HB0283S01 compared with HB0283S02

- 115 (iv) withdrawal period verification.
- 116 (c) A producer shall:
- 117 (i) comply with a withdrawal period after animal treatment;
- 118 (ii) routinely screen for mastitis or illness; and
- 119 (iii) refrain from selling raw milk or a raw milk product from a sick animal.
- 120 (4)
- 121 (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.
- 122 (b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a
food service establishment.
- 124 (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:
- 126 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery
provider; and
- 128 (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.
- 131 (5)
- 132 (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.
- 134 (b) A producer shall use a raw milk container that is tamper-resistant and food-grade.
- 135 (c) During transport, a person shall:
- 136 (i) maintain raw milk or a raw milk product at or below 41 degrees Fahrenheit; and
- 137 (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.
- 139 (6)
- 140 (a) A producer shall use a separate enclosed facility for:
- 141 (i) animal housing;
- 142 (ii) milking; and
- 143 (iii) processing and packaging.

HB0283S01 compared with HB0283S02

(b) Premises used for milking or processing and packaging shall ~~{include:}~~ meet the sanitation standards adopted by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

144 ~~{(i) {a sanitary toilet and handwashing station;}}~~

145 ~~{(ii) {a wastewater disposal system approved by the applicable state or local agency; and}}~~

147 ~~{(iii) {a proper cleaning, sanitizing, and storage area for equipment or packaging.}}~~

148 (7)

(a) A producer shall implement a recall plan approved by the department.

149 (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.

151 (8)

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

152 (i) drug residues;

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

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

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

157 (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.

159 (c) A producer shall comply with {department rules} a department rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, detailing what steps the producer is to take to address a finding described in Subsection (8)(b).

162 (9)

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

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

164 (ii) test results and corrective actions;

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

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

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

169 (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.

HB0283S01 compared with HB0283S02

173 Section 5. Section 5 is enacted to read:

174 **4-3-604. Signage, labeling, and marketing material -- Prohibition on use of department's**
175 **name or logo.**

176 (1) A producer shall conspicuously post signage at the location where raw milk or a raw milk product is
177 displayed for sale stating: "THIS PRODUCT IS RAW MILK OR MADE WITH RAW MILK."

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

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

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

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

184 (d) the following additional information:

185 (i) net volume;

186 (ii) production and consume-by date;

187 (iii) department issued registration number;

188 (iv) producer name and address;

189 (v) animal source;

190 (vi) ingredient list; and

191 (vii) allergen statement meeting federal requirements for milk.

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

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

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

196 Section 6. Section 6 is enacted to read:

197 **4-3-605. Foodborne illness outbreak -- Cease and desist.**

198 (1)

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

200 (i) subject to Subsection (1)(c), epidemiological and statistical evidence;

201 (ii) a laboratory finding;

202 (iii) whole genome sequencing;

203 (iv) traceback and supply chain documentation; or

204 (v) a violation of safety standards.

HB0283S01 compared with HB0283S02

- 205 (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.
- 209 (c) Notwithstanding Subsection (1)(a)(i), if the Department of Health and Human Services or the department uses an epidemiological method to determine whether there is a foodborne illness outbreak linked to raw milk or a raw milk product, the epidemiological method shall include questions that probe the common sources of the implicated pathogen for the foodborne illness outbreak.
- 209 (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.
- 212 (3)
- (a) 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 for whole genome sequencing and may test for an item listed in Subsection 4-3-603(8)(a).
- 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.
- 231 Section 7. Section 7 is enacted to read:
- 232 **4-3-606. Department testing, inspecting, or other actions -- Penalties and 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

HB0283S01 compared with HB0283S02

- (c) when the department receives a complaint from the public that a producer violates this partand the department discloses to the producer the underlying facts of the complaint before the sample is collected.
- 235 (2)
- (a) The department may inspect premises:
- 236 (i) upon initial registration by a producer;
- 237 (ii) anytime there is a suspicion that a producer is linked to a foodborne illness outbreak; or
- 239 (iii) when the department receives a complaint from the public that a producer violates this partand the department discloses to the producer the underlying facts of the complaint before the inspection.
- 241 (b) For a producer, the department may inspect the following under this Subsection (2):
- 242 (i) a production area;
- 243 (ii) a milking space; or
- 244 (iii) a bottling or processing facility.
- 245 ~~{(e) {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
- 249 (b) if there is a suspicion that the raw milk or raw milk product 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)}~~ (2).
- 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.

HB0283S01 compared with HB0283S02

- 265 (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):
- 268 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14 days;
- 270 (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;
- 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
- 276 (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.
- 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.
- 285 (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).
- 287 (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.

294 **Section 8. Repealer.**

This Bill Repeals:

295 This bill repeals:

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

297 **Severability not permitted.**

298 **Section 9. Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

HB0283S01 compared with HB0283S02

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