

HB0179S01 compared with HB0179

~~{Omitted text}~~ shows text that was in HB0179 but was omitted in HB0179S01

inserted text shows text that was not in HB0179 but was inserted into HB0179S01

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor:

2

3

LONG TITLE

4

General Description:

5

This bill addresses the regulation of milk or milk products.

6

Highlighted Provisions:

7

This bill:

8

▶ removes the requirement to obtain a permit for raw milk or raw milk products;

8

▶ modifies an exemption from certain dairy regulations;

9

▶ ~~{ modifies the definition provision, including the definition of "raw milk product"; }~~

10

▶ ~~{ removes provisions related to self-owned retail stores; }~~

10

▶ defines terms;

11

▶ requires notification to the Department of Agriculture and Food;

11

▶ ~~{ addresses the sale of and other activities }~~ outlines general requirements related to raw milk

~~{ and }~~ or raw milk products;

13

▶ addresses prohibited counts and drug residue in raw milk;

14

▶ prescribes labeling;

15

▶ addresses foodborne illness outbreaks and related cease and desist orders;

HB0179

HB0179 compared with HB0179S01

- 16 ▶ provides for testing and inspections;
- 17 ▶ imposes penalties;
- 18 ▶ allows for sales on premises;
- 12 ▶ { ~~modifies rulemaking~~ } provides for no severability; and
- 13 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

22 None

Other Special Clauses:

24 None

Utah Code Sections Affected:

AMENDS:

27 4-3-301 , as last amended by Laws of Utah 2023, Chapter 528

28 4-3-502 , as renumbered and amended by Laws of Utah 2017, Chapter 345

21 ~~{4-3-503 , as last amended by Laws of Utah 2025, Chapter 58}~~

ENACTS:

30 4-3-601 , Utah Code Annotated 1953

31 4-3-602 , Utah Code Annotated 1953

32 4-3-603 , Utah Code Annotated 1953

33 4-3-604 , Utah Code Annotated 1953

34 4-3-605 , Utah Code Annotated 1953

35 4-3-606 , Utah Code Annotated 1953

36 4-3-607 , Utah Code Annotated 1953

37 4-3-608 , Utah Code Annotated 1953

REPEALS:

39 4-3-503 , as last amended by Laws of Utah 2025, Chapter 58

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

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

43 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal.**

HB0179 compared with HB0179S01

- (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.
- 48 (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.
- 53 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 54 (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.
- 59 (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.
- 62 ~~[(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.]~~
- 66 ~~[(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.]~~
- 69 ~~[(b) A fee may not be charged by the department for issuance of a certificate.]~~
- 70 Section 2. Section **4-3-502** is amended to read:
- 71 **4-3-502. Exemption.**
- 26 (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk products are used by:
- 28 (a) the owner of the farm;
- 29 (b) a member of the owner's immediate family;
- 30 (c) a nonpaying guest of the owner of the farm;

HB0179 compared with HB0179S01

- 31 [(e)] (d) a participant in a cow-share program; or
32 [(d)] (e) a member of a participant in a cow-share program's immediate family.
- 33 (2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:
- 35 (a) raw milk in accordance with the terms of a cow-share program agreement; or
36 (b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.
- 38 {Section 2. ~~Section 4-3-503 is amended to read: }~~
- 39 **4-3-503. Activities related to raw milk or raw milk products -- Suspension of producer's permit -- Cease and desist -- Severability not permitted.**
- 41 (1) As used in this section:
- 42 (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.
43 (b) "Designated agent" means a person that under contract with a producer distributes, sells, delivers, holds, stores, or offers for sale the producer's raw milk product.
- 45 [(b)] (c) "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.
- 48 [(e)] (d) "Raw milk product" means [any] raw milk or a product produced from raw milk.
- 49 (e) "Third party vendor" means a person that under contract with a producer takes ownership of the producer's raw milk product to distribute, sell, deliver, hold, store, or offer for sale the raw milk product.
- 52 [(d) "Self-owned retail store" means a retail store:]
- 53 [(i) of which the producer owns at least 51% of the value of the real property and tangible personal property used in the operations of the retail store; or]
- 55 [(ii) for which the producer has the power to vote at least 51% of any class of voting shares or ownership interest in the business entity that operates the retail store.]
- 57 (2) Except as provided in Subsection [(5), a] (3), a producer of a raw milk product may [be manufactured, distributed, sold, delivered, held, stored, or offered for sale] manufacture, distribute, sell, deliver, hold, store, or offer for sale a raw milk product if:
- 60 (a) the producer obtains a permit from the department to produce the raw milk product under Subsection 4-3-301(6);
- 62

HB0179 compared with HB0179S01

- [~~(b)~~ the sale and delivery of the raw milk product is made upon the premises where the raw milk product is produced, except as provided by Subsection (3);]
- 64 [~~(e)~~ the raw milk product is sold to consumers for household use and not for resale;]
- 65 [~~(d)~~ (b) the raw milk product is bottled or packaged under sanitary conditions and in sanitary containers on the premises where the raw milk product is produced;
- 67 [~~(e)~~ (c) the raw milk product is labeled "raw milk product," ~~[and]~~ meets the labeling requirements under 21 C.F.R. Parts 101 and 131~~[-and rules established]~~ , meets the labeling requirements of rules made by the department[;] , and includes the following in the label:
- 71 (i) a date, no more than nine days after the product is produced, by which the raw milk product should be sold;
- 73 (ii) the statement "Raw milk products, no matter how carefully produced, may be unsafe.";
- 75 (iii) handling instructions to preserve quality and avoid contamination or spoilage; and
- 77 (iv) a specific colored label as determined by the department by rule;
- 78 [~~(f)~~ (d) the raw milk or raw milk used to produce the raw milk product is:
- 79 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
- 81 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal; and
- 83 (iii) maintained 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;
- 85 [~~(g)~~ (e) the bacterial count of the raw milk or raw milk used to produce the raw milk product does not exceed 20,000 colony forming units per milliliter and, if the bacterial count of the raw milk or raw milk used to produce the raw milk product exceeds 40,000 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the department or a third party certified by the department shall test the raw milk ~~[shall be tested and]~~ and the raw milk may not contain the following pathogens:
- 92 (i) shiga toxin-producing e. coli;
- 93 (ii) listeria monocytogenes;
- 94 (iii) salmonella; and
- 95 (iv) campylobacter;
- 96 [~~(h)~~ (f) the coliform count of the raw milk or raw milk used to produce the raw milk product does not exceed 10 colony forming units per milliliter and, if the coliform count of the raw milk or raw

HB0179 compared with HB0179S01

milk used to produce the raw milk product exceeds 20 colony forming units per milliliter or the producer is implicated in a foodborne illness outbreak, the department or a third party certified by the department shall test the raw milk ~~[shall be tested and]~~ and the raw milk may not contain the following pathogens:

- 102 (i) shiga toxin-producing e. coli;
- 103 (ii) listeria monocytogenes;
- 104 (iii) salmonella; and
- 105 (iv) campylobacter;
- 106 ~~[(i)]~~ (g) the production of the raw milk product conforms to departmental rules for the production of raw milk or grade A milk products;
- 108 ~~[(j)]~~ (h) the dairy animals on the premises are:
- 109 (i) permanently and individually identifiable; and
- 110 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk; ~~[and]~~
- 111 ~~[(k)]~~ (i) any individual on the premises performing~~[-any]~~ work in connection with the production, bottling, packaging, handling, or sale of the raw milk product is free from communicable disease~~[-]~~ ;
- 114 ~~[(3)]~~ (j) ~~[A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product at a self-owned retail store, that is properly staffed, or -]~~ when distributed, sold, delivered, held, stored, or offered from a mobile unit ~~[where]~~ , the raw milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature~~[-if, in addition to the requirements of Subsection (2), the producer:]~~ ;
- 119 (k)
- ~~[(a) transports the raw milk product -]~~ when transported from the premises where the raw milk product is produced~~[-to the self-owned retail store]~~ , the raw milk product is transported by a designated agent, a third party vendor, or other person that is not an end consumer in a refrigerated truck where the raw milk product is maintained at 41 degrees Fahrenheit or a lower temperature;
- 124 ~~[(b) retains ownership of the raw milk product until it is sold to the final consumer, including transporting the raw milk product from the premises where the raw milk product is produced to the self-owned retail store without any:]~~
- 127 ~~[(i) intervening storage;]~~
- 128 ~~[(ii) change of ownership; or]~~
- 129 ~~[(iii) loss of physical control;]~~

HB0179 compared with HB0179S01

- 130 ~~[(e) stores the raw milk product at 41 degrees Fahrenheit or a lower temperature in a display case equipped with a properly calibrated thermometer at the self-owned retail store;]~~
- 133 ~~[(d) places a sign above each display case that contains a raw milk product at the self-owned retail store that:]~~
- 135 ~~[(i) is prominent;]~~
- 136 ~~[(ii) is easily readable by a consumer;]~~
- 137 ~~[(iii) reads in print that is no smaller than .5 inch in bold type, "This milk product is raw and unpasteurized. Please keep refrigerated."; and]~~
- 139 ~~[(iv) meets any other requirement established by the department by rule;]~~
- 140 ~~[(e) labels the raw milk product with:]~~
- 141 ~~[(i) a date, no more than nine days after the raw milk product is produced, by which the raw milk product should be sold;]~~
- 143 ~~[(ii) the statement "Raw milk products, no matter how carefully produced, may be unsafe.";]~~
- 145 ~~[(iii) handling instructions to preserve quality and avoid contamination or spoilage;]~~
- 146 ~~[(iv) a specific colored label as determined by the department by rule; and]~~
- 147 ~~[(v) any other information required by rule;]~~
- 148 ~~[(f) refrains from offering the raw milk product for sale until:]~~
- 149 ~~[(i) the department or a third party certified by the department tests each batch of raw milk used to produce a raw milk product for standard plate count and coliform count; and]~~
- 152 ~~[(ii) the test results meet the minimum standards established for those tests;]~~
- 153 ~~[(g)~~
- ~~(i) maintains a database of the raw milk product sales; and]~~
- 154 ~~[(ii) makes the database available to the Department of Health and Human Services during the self-owned retail store's business hours for purposes of epidemiological investigation;]~~
- 157 ~~[(h) ensures that the plant and retail store complies with Chapter 5, Utah Wholesome Food Act, and the rules governing food establishments enacted under Section 4-5-301; and]~~
- 160 ~~[(i) complies with the applicable rules adopted as authorized by this chapter.]~~
- 161 (l) the producer refrains from offering the raw milk product for sale until:
- 162 (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 standard plate count and coliform count under Subsections (2)(e) and (f); and

HB0179 compared with HB0179S01

- 165 (ii) the test results meet the minimum standards established under Subsections (2)(e) and (f);
167 (m) the producer ensures that the plant where the raw milk product is produced complies with Chapter
5, Utah Wholesome Food Act, and the rules governing food establishments made under Section
4-5-301; and
- 170 (n) the producer complies with the applicable rules made as authorized by this chapter.
- 171 [~~(4) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product and~~
~~pasteurized milk at the same self-owned retail store if:]~~
- 173 [~~(a) the self-owned retail store is properly staffed; and]~~
174 [~~(b) the producer:]~~
- 175 [~~(i) meets the requirements of Subsections (2) and (3);]~~
176 [~~(ii) operates the self-owned retail store on the same property where the raw milk product is produced;~~
~~and]~~
- 178 [~~(iii) maintains separate, labeled, refrigerated display cases for raw milk products and pasteurized milk.]~~
- 180 [~~(5)] (3) A producer may, without meeting the requirements of Subsection (2), sell [up to 120 gallons of~~
~~raw milk per month] raw milk if:~~
- 182 (a) the sale is directly to an end consumer, for household use and not for resale;
183 (b) the sale and delivery of the raw milk is made upon the premises where the raw milk is produced;
185 (c) the producer labels the raw milk with:
186 (i) the producer's name and address;
187 (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;
189 (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
- 191 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
192 (d) the raw milk is:
193 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the
animal; and
195 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the animal;
197 (e) the producer conducts a monthly test ensuring the coliform count of the raw milk does not exceed 10
colony-forming units per milliliter;
199 (f) the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases
carried through milk;

HB0179 compared with HB0179S01

- 201 (g) the producer maintains records of tests [~~and sales~~]for a minimum of two years; and
- 202 (h) the producer notifies the department of the producer's intent to sell raw milk [~~pursuant to~~] in
203 accordance with this Subsection [~~(5)~~] (3) and includes in the notification the producer's name and
204 address.
- 205 [~~(6)~~] (4) A person who conducts a test required by Subsection [~~(3)~~] (2)(1) shall send a copy of the test
206 results to the department as soon as the test results are available.
- 207 [~~(7)~~] (5)
- (a) The department shall make rules, as authorized by Section 4-3-201 and in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, governing the sale of raw milk products at a
[~~self-owned retail store~~] food establishment, as defined in Section 4-5-102.
- 211 (b) The rules adopted by the department under Subsection (5)(a) shall include rules regarding:
- 213 (i) permits;
- 214 (ii) building and premises requirements;
- 215 (iii) sanitation and operating requirements, including bulk milk tanks requirements;
- 216 (iv) additional tests;
- 217 (v) use of a third-party testing laboratory within or outside of the state;
- 218 (vi) frequency of inspections, including random cooler checks;
- 219 (vii) recordkeeping; and
- 220 (viii) packaging and labeling.
- 221 (c) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
222 Rulemaking Act, regarding the standards of identity for a raw milk product.
- 224 (d)
- (i) The department shall establish and collect a fee for the tests and inspections required by this section
and by rule in accordance with Section 63J-1-504.
- 226 (ii) Notwithstanding Section 63J-1-504, the department shall retain the fees as dedicated credits and
may only use the fees to administer and enforce this section.
- 228 [~~(8)~~] (6)
- (a) The department shall suspend a permit issued under Section 4-3-301 if:
- 229 (i) two out of four consecutive samples or two samples in a 30-day period violate sample limits
established under [~~this section~~] Subsections (2)(e) and (f); or
- 231 (ii) a producer violates this section or a rule [~~adopted~~] made as authorized by this section.

HB0179 compared with HB0179S01

- 233 (b) The department may reissue a permit that has been suspended under Subsection [~~(8)(a)~~] (6)(a) if the
producer~~[has]~~:
- 235 (i) [~~obtained~~] obtains a sample result that meets the standards described in Subsections [~~(2)(g) and~~
~~(h)~~] (2)(e) and (f); and
- 237 (ii) [~~complied~~] complies with all of the requirements of this section and rules made as authorized by this
section.
- 239 (c) Upon written request by a producer with a suspended permit, the department shall provide the
producer information on how to request a hearing regarding the department's decision to suspend the
permit.
- 242 [~~(9)~~]
- (a) [~~If any subsection of this section or the application of any subsection to any person or circumstance
is held invalid by a final decision of a court of competent jurisdiction, the remainder of the section
may not be given effect without the invalid subsection or application.~~]
- 246 [~~(b) The provisions of this section may not be severed.~~]
- 247 [~~(10)~~] (7)
- (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.
- 249 (b) Notwithstanding Subsection [~~(10)(a)~~] (7)(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 a raw
milk product, the survey shall include questions that probe the common sources of the implicated
pathogen for the foodborne illness outbreak.
- 254 [~~(11)~~] (8)
- (a) If after the investigation of a foodborne illness outbreak the department links the foodborne illness
outbreak to a producer, the department shall issue a cease and desist order to the producer linked to
the foodborne illness outbreak prohibiting the sale of the raw milk product pending testing required
by Subsection [~~(11)(h)(i)~~] (8)(h)(i).
- 259 (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 [~~(10)~~] (7)
that the foodborne illness outbreak originated with the producer's raw milk product.
- 263 (c)
- (i) A producer who receives a cease and desist order from the department shall[?]

HB0179 compared with HB0179S01

- 264 ~~[(†)] stop the sale of the raw milk product named in the cease and desist order[; and] .~~
- 265 ~~[(ii) notify persons who purchased raw milk products from the implicated contaminated batch of the~~
~~cease and desist order.]~~
- 267 (ii) Subject to the requirements of Subsection (8)(g):
- 268 (A) the Department of Health and Human Services may, in accordance with Section 26B-1-202, notify
the public of a foodborne illness outbreak tied to a raw milk product; and
- 271 (B) a local health department may notify the public of a foodborne illness outbreak tied to a raw milk
product.
- 273 (d) The department shall collect a sample within two working days of issuing a cease and desist order
for the purpose of submitting the sample to a laboratory for:
- 275 (i) testing for pathogens; and
- 276 (ii) if the department wants to publicly disclose a producer's name or identifying information under
Subsection ~~[(11)(g)]~~ (8)(g), whole genome sequencing testing.
- 278 (e) The time between the department collecting the sample under Subsection ~~[(11)(d)]~~ (8)(d) 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.
- 283 (f)
- (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 ~~[(11)(d)]~~ (8)(d) analyzed by two
laboratories.
- 286 (ii) The producer shall select the second laboratory from a list of laboratories approved by the
department.
- 288 (g)
- (i) Before publicly disclosing 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.
- 291 (ii) Before publicly disclosing a producer's name or identifying information, the Department of Health
and Human Services or a local health department shall verify that the department has notified the

HB0179 compared with HB0179S01

producer that the department has linked the producer to a foodborne illness with a positive whole genome sequencing test.

- 295 (h)
- (i) A cease and desist order shall remain in effect until the department:
- 296 (A) verifies that the producer who is subject to the cease and desist order adheres to this section and has three consecutive tests of the raw milk product that show that the raw milk product meets the standards described in Subsections [~~(2)(g) and (h)~~] (2)(e) and (f) and is free of the pathogens listed in Subsections [~~(2)(g) and (h)~~] (2)(e) and (f); or
- 301 (B) receives a genome sequencing test result that demonstrates that the producer's raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order.
- 304 (ii) 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 [~~(11)(h)(i)~~] (8)(h)(i) being met.
- 307 (iii) For purposes of a test described in Subsection [~~(11)(h)(i)(A)~~] (8)(h)(i)(A), the department shall collect a sample for each test within two working days of the producer requesting that a sample be collected.
- 310 [~~(12)~~] (9)
- (a) If the Department of Health and Human Services or the department links a producer's raw milk product to a foodborne illness outbreak and the department finds that the producer has violated this section, the department may impose upon the producer the following administrative penalties:
- 314 (i) upon the first violation, a penalty of no more than \$300;
- 315 (ii) upon a second violation, a penalty of no more than \$750; and
- 316 (iii) upon a third or subsequent violation a penalty of no more than \$1,500.
- 317 (b) The department may impose the penalties described in Subsection [~~(12)(a)~~] (9)(a) in addition to:
- 319 (i) issuing a cease and desist order under Subsection [~~(11)~~] (8); or
- 320 (ii) suspending a permit under Subsection [~~(8)~~] (6).
- 321 (10)
- (a) If any subsection of this section or the application of any subsection to any person or circumstance is held invalid by a final decision of a court, the remainder of the section may not be given effect without the invalid subsection or application.
- 324 (b) The provisions of this section may not be severed.

HB0179 compared with HB0179S01

84 Section 3. Section 3 is enacted to read:

85 **Part 6. Raw Milk**

86 **4-3-601. Definitions.**

As used in this part:

- 88 (1) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.
- 90 (2) "Designated agent" means a person that under contract with a producer, without ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the producer's raw milk or raw milk product.
- 93 (3) "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.
- 95 (4) "Market" means a retail location or establishment where raw milk or a raw milk product is offered for sale directly to a consumer.
- 97 (5) "Premises" means the property and facilities used for the:
- 98 (a) housing or milking of lactating animals; or
- 99 (b) processing, storage, or sale of raw milk or a raw milk product.
- 100 (6) "Producer" means a person that owns lactating animals and bottles, packages, or sells raw milk or a raw milk product.
- 102 (7) "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 103 (8) "Raw milk product" means a product produced from raw milk.
- 104 (9) "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.

107 Section 4. Section 4 is enacted to read:

108 **4-3-602. General operational requirements.**

- 109 (1)
- (a) 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 raw milk or the raw milk product in accordance with this part if the producer notifies the department of the producer's intention to produce raw milk or a raw milk product.
- 113 (b) The notice required by this Subsection (1) shall include:

HB0179 compared with HB0179S01

- 114 (i) the producer's name and address;
115 (ii) the intended method of sale of the raw milk or raw milk product, including direct-to-consumer,
through a market, or both direct-to-consumer and through a market; and
118 (iii) the species of animal used to produce the raw milk.
119 (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.
122 (3)
(a) A producer shall cool raw milk or raw milk used to produce a raw milk product to:
123 (i) 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the
animal; and
125 (ii) 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal.
127 (b) A producer shall maintain the raw milk described in Subsection (3)(a) at 41 degrees Fahrenheit or a
lower temperature until the raw milk is sold to a consumer or used to produce a raw milk product.
130 (c) 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.
134 (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 other person that is not a consumer 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.
140 (4) A producer shall ensure that the raw milk producing animals on the premises of the producer are:
142 (a) permanently and individually identifiable; and
143 (b) free of tuberculosis, brucellosis, and other diseases carried through milk.
144 (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.

147 Section 5. Section 5 is enacted to read:

148 **4-3-603. Prohibited counts or drug residue.**

- 149 (1) The somatic cell count in unpackaged raw milk for retail sale may not exceed:
150 (a) 400,000 cells per milliliter for raw milk produced from cows; or

HB0179 compared with HB0179S01

- 151 (b) 1,500,000 cells per milliliter for raw milk produced from goats.
- 152 (2) The bacterial count of raw milk or raw milk used to produce a raw milk product may not exceed
20,000 colony forming units per milliliter.
- 154 (3) The coliform count of raw milk or raw milk used to produce a raw milk product may not exceed 10
colony forming units per milliliter.
- 156 (4) Raw milk or raw milk used to produce a raw milk product may not contain drug residue above the
tolerance levels recommended by the United States Food and Drug Administration.
- 159 (5)
- (a) A producer shall test for compliance with this section through an accredited laboratory at least
monthly.
- 161 (b) A producer shall retain a record of test results for at least two years from receipt of the test results.
- 163 (c) A producer is required to provide the department test results only if requested by the department
after the producer is linked to a foodborne illness outbreak.

165 Section 6. Section 6 is enacted to read:

166 **4-3-604. Labeling.**

- 167 (1) A producer shall label the container of raw milk or a raw milk product in accordance with this
section.
- 169 (2) A producer shall also label the container described in Subsection (1) with:
- 170 (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;
- 172 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced, may be unsafe.";
- 174 (c) handling instructions to preserve quality and avoid contamination or spoilage;
- 175 (d) the producer's name and address;
- 176 (e) the species of animal used to produce the raw milk;
- 177 (f) the ingredient list; and
- 178 (g) an allergen statement meeting federal requirements for milk.

179 Section 7. Section 7 is enacted to read:

180 **4-3-605. Foodborne illness outbreak -- Cease and desist.**

- 181 (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.

HB0179 compared with HB0179S01

- 183 (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.
- 188 (2)
- (a) If after the investigation of a foodborne illness outbreak the department links the foodborne illness
outbreak to a producer, the department shall issue a cease and desist order to the producer linked to
the foodborne illness outbreak prohibiting the sale of the raw milk or raw milk product.
- 192 (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 specific producer's raw milk or raw milk product.
- 196 (c) A producer who receives a cease and desist order from the department shall stop the sale of the raw
milk or raw milk product named in the cease and desist order.
- 198 (3)
- (a) A cease and desist order shall remain in effect until the department:
- 199 (i) 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 following pathogens:
- 203 (A) shiga toxin-producing e. coli;
- 204 (B) listeria monocytogenes;
- 205 (C) salmonella; and
- 206 (D) campylobacter; or
- 207 (ii) 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.
- 210 (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 (3)(a) being met.
- 213 (4)
- (a) The department shall collect a sample within two working days of issuing a cease and desist order
for the purpose of submitting the sample to an accredited laboratory for:
- 216 (i) testing for purposes of Subsection (3)(a)(i); and

HB0179 compared with HB0179S01

- 217 (ii) if the department wants to publicly disclose a producer's name or identifying information under
219 Subsection (5), whole genome sequencing testing.
- 222 (b) For purposes of a test described in Subsection (3)(a)(i), the department shall collect a sample for
each test within two working days of the producer requesting that a sample be collected.
- 227 (c) The time between the department collecting the sample under Subsection (4)(a)(ii) and the
department notifying the producer of whole genome sequencing test results may not exceed 15
working days unless, before the 15-working day period expires, the department notifies the producer
in writing that the department requires additional time to notify the producer of the whole genome
sequencing test results.
- 230 (d)
- 232 (i) Upon the producer's request and the producer being liable for the costs of the second laboratory,
the department shall have the sample collected under Subsection (4)(a) analyzed by two accredited
laboratories.
- 238 (ii) The producer shall select the second laboratory from a list of accredited laboratories approved by
the department.
- 242 (5)
- 247 (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:
- 254 (i) the department;
- 255 (ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and
- 256 (iii) a local health department.
- 263 (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.
- 270 (c) Before publicly disclosing a producer's name or identifying information under Subsection (5)(b),
the Department of Health and Human Services or a local health department shall verify that the
department notified the producer that the department has linked the producer to a foodborne illness
with a positive whole genome sequencing test.
- 277 (6) Upon written request by a producer with a cease and desist order, the department shall provide the
producer information on how to request a hearing regarding the department's decision to issue the
cease and desist order.

HB0179 compared with HB0179S01

250 Section 8. Section 8 is enacted to read:

251 **4-3-606. Department testing, inspecting, or other actions -- Penalties and enforcement.**

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

254 (a) there is a reasonable suspicion that the producer is linked to a foodborne illness outbreak; or

256 (b) during the issuance of a cease and desist order under Section 4-3-605.

257 (2) The department may inspect premises of a producer only if there is a reasonable suspicion that the producer is linked to a foodborne illness outbreak.

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

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

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

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

266 (b) The department may impose the penalties described in Subsection (3)(a) in addition to issuing a cease and desist order under Section 4-3-605.

268 (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.

271 Section 9. Section 9 is enacted to read:

272 **4-3-607. Exemption for on-premise sales.**

273 (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.

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

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

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

278 (c) label the raw milk with:

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

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

282 (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

HB0179 compared with HB0179S01

- 284 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
285 (d) cool the raw milk:
286 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
and
288 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;
290 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-
forming units per milliliter;
292 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and
other diseases carried through milk;
294 (g) maintain records of tests and sales for a minimum of two years; and
295 (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.

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

298 **4-3-608. Severability.**

- 299 (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.
303 (2) The provisions of this part may not be severed.

304 Section 11. **Repealer.**

This Bill Repeals:

305 This bill repeals:

306 Section **4-3-503, Sale of raw milk products -- Suspension of producer's permit --**
307 **Severability not permitted.**

308 Section 12. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

1-22-26 3:26 PM