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Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses the regulation of milk or milk products.

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Highlighted Provisions:

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This bill:

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- ▶ modifies an exemption from certain regulations;
- ▶ modifies the definition provision, including the definition of "raw milk product";
- ▶ removes provisions related to self-owned retail stores;
- ▶ addresses the sale of and other activities related to raw milk and raw milk products;
- ▶ modifies rulemaking; and
- ▶ 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:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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Section 1. Section **4-3-502** is amended to read:

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4-3-502 . Exemption.

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(1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk products are used by:

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(a) the owner of the farm;

21

(b) a member of the owner's immediate family;

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(c) a nonpaying guest of the owner of the farm;

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
34 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
37 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
40 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,
44 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
46 different households of a similar illness resulting from the ingestion of a common
47 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
50 ownership of the producer's raw milk product to distribute, sell, deliver, hold, store,
51 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
54 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
56 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
58 manufactured, distributed, sold, delivered, held, stored, or offered for sale] manufacture,
59 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
61 under Subsection 4-3-301(6);
62 [(b) the sale and delivery of the raw milk product is made upon the premises where the
63 raw milk product is produced, except as provided by Subsection (3);]
64 [(c) 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
66 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
68 requirements under 21 C.F.R. Parts 101 and 131[and rules established] , meets the
69 labeling requirements of rules made by the department[;] , and includes the following
70 in the label:

- 71 (i) a date, no more than nine days after the product is produced, by which the raw
72 milk product should be sold;
- 73 (ii) the statement "Raw milk products, no matter how carefully produced, may be
74 unsafe.";
- 75 (iii) handling instructions to preserve quality and avoid contamination or spoilage;
76 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
80 being drawn from the animal;
- 81 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the
82 animal; and
- 83 (iii) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is
84 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
86 product does not exceed 20,000 colony forming units per milliliter and, if the
87 bacterial count of the raw milk or raw milk used to produce the raw milk product
88 exceeds 40,000 colony forming units per milliliter or the producer is implicated in a
89 foodborne illness outbreak, the department or a third party certified by the
90 department shall test the raw milk [shall be tested and] and the raw milk may not
91 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
97 product does not exceed 10 colony forming units per milliliter and, if the coliform
98 count of the raw milk or raw milk used to produce the raw milk product exceeds 20

99 colony forming units per milliliter or the producer is implicated in a foodborne illness
100 outbreak, the department or a third party certified by the department shall test the raw
101 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
107 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
112 production, bottling, packaging, handling, or sale of the raw milk product is free from
113 communicable disease[.] ;
114 [(l)] (j) [A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk
115 product at a self-owned retail store, that is properly staffed, or] when distributed,
116 sold, delivered, held, stored, or offered from a mobile unit [where], the raw milk
117 product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a
118 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
120 raw milk product is produced[to the self-owned retail store], the raw milk product is
121 transported by a designated agent, a third party vendor, or other person that is not an
122 end consumer in a refrigerated truck where the raw milk product is maintained at 41
123 degrees Fahrenheit or a lower temperature;
124 [(b) retains ownership of the raw milk product until it is sold to the final consumer,
125 including transporting the raw milk product from the premises where the raw milk
126 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;]
130 [(e) stores the raw milk product at 41 degrees Fahrenheit or a lower temperature in a
131 display case equipped with a properly calibrated thermometer at the self-owned retail
132 store;]

133 [(d) places a sign above each display case that contains a raw milk product at the
134 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
138 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
142 the raw milk product should be sold;]
143 [(ii) the statement "Raw milk products, no matter how carefully produced, may be
144 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
150 milk used to produce a raw milk product for standard plate count and coliform
151 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
155 during the self-owned retail store's business hours for purposes of epidemiological
156 investigation;]
157 [(h) ensures that the plant and retail store complies with Chapter 5, Utah Wholesome
158 Food Act, and the rules governing food establishments enacted under Section 4-5-301;
159 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
163 milk or raw milk used to produce a raw milk product for standard plate count and
164 coliform count under Subsections (2)(e) and (f); and
165 (ii) the test results meet the minimum standards established under Subsections (2)(e)
166 and (f);

167 (m) the producer ensures that the plant where the raw milk product is produced complies
168 with Chapter 5, Utah Wholesome Food Act, and the rules governing food
169 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
172 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
177 product is produced; and]

178 [(iii) maintains separate, labeled, refrigerated display cases for raw milk products and
179 pasteurized milk.]

180 [(5)] (3) A producer may, without meeting the requirements of Subsection (2), sell [up to
181 120 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
184 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
188 milk should be sold;

189 (iii) the statement "This raw milk has not been licensed or inspected by the state of
190 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
194 being drawn from the animal; and

195 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the
196 animal;

197 (e) the producer conducts a monthly test ensuring the coliform count of the raw milk
198 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
200 other diseases carried through milk;

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 [
203 pursuant to] in accordance with this Subsection [(5)] (3) and includes in the
204 notification the producer's name and address.

205 [(6)] (4) A person who conducts a test required by Subsection [(3)] (2)(l) shall send a copy of
206 the test 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
208 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
209 governing the sale of raw milk products at a [self-owned retail store] food
210 establishment, as defined in Section 4-5-102.

211 (b) The rules adopted by the department under Subsection (5)(a) shall include rules
212 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
222 Administrative Rulemaking Act, regarding the standards of identity for a raw milk
223 product.

224 (d)(i) The department shall establish and collect a fee for the tests and inspections
225 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
227 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
230 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
232 section.

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
236 Subsections [(2)(g) and (h)] (2)(e) and (f); and
237 (ii) [eomplied] complies with all of the requirements of this section and rules made as
238 authorized by this section.

239 (c) Upon written request by a producer with a suspended permit, the department shall
240 provide the producer information on how to request a hearing regarding the
241 department's decision to suspend the permit.

242 [(9)(a) If any subsection of this section or the application of any subsection to any
243 person or circumstance is held invalid by a final decision of a court of competent
244 jurisdiction, the remainder of the section may not be given effect without the invalid
245 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
248 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
250 Services or the department uses a survey to determine whether there is a foodborne
251 illness outbreak linked to a raw milk product, the survey shall include questions that
252 probe the common sources of the implicated pathogen for the foodborne illness
253 outbreak.

254 [(11)] (8)(a) If after the investigation of a foodborne illness outbreak the department links
255 the foodborne illness outbreak to a producer, the department shall issue a cease and
256 desist order to the producer linked to the foodborne illness outbreak prohibiting the
257 sale of the raw milk product pending testing required by Subsection [(11)(h)(i)]
258 (8)(h)(i).

259 (b) For purposes of the cease and desist order, to positively link a producer to a
260 foodborne illness outbreak, the department shall produce evidence from the
261 investigation under Subsection [(10)] (7) that the foodborne illness outbreak
262 originated with the producer's raw milk product.

263 (c)(i) A producer who receives a cease and desist order from the department shall[:]
264 [(i)] 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
266 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

(B) a local health department may notify the public of a foodborne illness outbreak tied to a raw milk product.

(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:

(i) testing for pathogens; and

(ii) if the department wants to publicly disclose a producer's name or identifying information under Subsection [(H)(g)] (8)(g), whole genome sequencing test

(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.

(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.

(ii) The producer shall select the second laboratory from a list of laboratories approved by the department.

(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.

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

(h)(i) A cease and desist order shall remain in effect until the department:

(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

(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

303 subject of the cease and desist order.

304 (ii) The department shall notify a producer who is subject to a cease and desist order
305 that the cease and desist order is not in effect within one working day of the
306 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
308 department shall collect a sample for each test within two working days of the
309 producer requesting that a sample be collected.

310 ~~[(12)]~~ (9)(a) If the Department of Health and Human Services or the department links a
311 producer's raw milk product to a foodborne illness outbreak and the department finds
312 that the producer has violated this section, the department may impose upon the
313 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
318 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
322 person or circumstance is held invalid by a final decision of a court, the remainder of
323 the section may not be given effect without the invalid subsection or application.

324 (b) The provisions of this section may not be severed.

325 **Section 3. Effective Date.**

326 This bill takes effect on May 6, 2026.