

Kristen Chevrier proposes the following substitute bill:

Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses the regulation of milk or milk products.

Highlighted Provisions:

This bill:

- removes the requirement to obtain a permit for raw milk or raw milk products;
- modifies an exemption from certain dairy regulations;
- defines terms;
- requires notification to the Department of Agriculture and Food;
- outlines general requirements related to raw milk or raw milk products;
- addresses prohibited counts and drug residue in raw milk;
- prescribes labeling;
- addresses foodborne illness outbreaks and related cease and desist orders;
- provides for testing and inspections;
- imposes penalties;
- allows for sales on premises;
- provides for no severability; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

4-3-608, 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.

- (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 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.
- (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.
- ~~[(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.]

~~[(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.]~~

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

Section 2. Section **4-3-502** is amended to read:

4-3-502 . Exemption.

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

(a) the owner of the farm;

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

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

~~[(e)] (d)~~ a participant in a cow-share program; or

~~[(d)] (e)~~ a member of a participant in a cow-share program's immediate family.

(2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:

(a) raw milk in accordance with the terms of a cow-share program agreement; or

(b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.

Section 3. Section **4-3-601** is enacted to read:

Part 6. Raw Milk

4-3-601 . Definitions.

As used in this part:

(1) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.

(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.

(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.

(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
101 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
105 ownership of the producer's raw milk or raw milk product to distribute, sell, deliver,
106 hold, store, or offer for sale the raw milk or raw milk product to a market.

107 Section 4. Section **4-3-602** 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
110 product may manufacture, distribute, sell, deliver, hold, store, or offer for sale the
111 raw milk or the raw milk product in accordance with this part if the producer notifies
112 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:
114 (i) the producer's name and address;
115 (ii) the intended method of sale of the raw milk or raw milk product, including
116 direct-to-consumer, through a market, or both direct-to-consumer and through a
117 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
120 conditions and in sanitary containers on the premises where the raw milk or the raw milk
121 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
124 from the animal; and
125 (ii) 41 degrees Fahrenheit or a lower temperature within two hours of being drawn
126 from the animal.
127 (b) A producer shall maintain the raw milk described in Subsection (3)(a) at 41 degrees
128 Fahrenheit or a lower temperature until the raw milk is sold to a consumer or used to
129 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.

(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.

(4) A producer shall ensure that the raw milk producing animals on the premises of the producer are:

(a) permanently and individually identifiable; and

(b) free of tuberculosis, brucellosis, and other diseases carried through milk.

(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.

Section 5. Section **4-3-603** is enacted to read:

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

(1) The somatic cell count in unpackaged raw milk for retail sale may not exceed:

(a) 400,000 cells per milliliter for raw milk produced from cows; or

(b) 1,500,000 cells per milliliter for raw milk produced from goats.

(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.

(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.

(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.

(5)(a) A producer shall test for compliance with this section through an accredited laboratory at least monthly.

(b) A producer shall retain a record of test results for at least two years from receipt of the test results.

(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.

Section 6. Section **4-3-604** is enacted to read:

4-3-604 . Labeling.

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

Section 7. Section **4-3-605** is enacted to read:

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

- (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.
- (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.
- (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.
- (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.
- (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.
- (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
200 consecutive tests of the raw milk or raw milk product that show that the raw milk
201 or raw milk product meet the standards described in Subsections 4-3-603(2) and
202 (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
208 milk or raw milk product is not linked to the foodborne illness outbreak that is the
209 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
211 the cease and desist order is not in effect within one working day of the conditions of
212 Subsection (3)(a) being met.
213 (4)(a) The department shall collect a sample within two working days of issuing a cease
214 and desist order for the purpose of submitting the sample to an accredited laboratory
215 for:
216 (i) testing for purposes of Subsection (3)(a)(i); and
217 (ii) if the department wants to publicly disclose a producer's name or identifying
218 information under Subsection (5), whole genome sequencing testing.
219 (b) For purposes of a test described in Subsection (3)(a)(i), the department shall collect a
220 sample for each test within two working days of the producer requesting that a
221 sample be collected.
222 (c) The time between the department collecting the sample under Subsection (4)(a)(ii)
223 and the department notifying the producer of whole genome sequencing test results
224 may not exceed 15 working days unless, before the 15-working day period expires,
225 the department notifies the producer in writing that the department requires additional
226 time to notify the producer of the whole genome sequencing test results.
227 (d)(i) Upon the producer's request and the producer being liable for the costs of the
228 second laboratory, the department shall have the sample collected under
229 Subsection (4)(a) analyzed by two accredited laboratories.
230 (ii) The producer shall select the second laboratory from a list of accredited
231 laboratories approved by the department.
232 (5)(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:

(i) the department;

(ii) the Department of Health and Human Services in accordance with Section 26B-1-202; and

(iii) a local health department.

(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.

(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.

(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.

Section 8. Section **4-3-606** is enacted to read:

4-3-606 . 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 only if:

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

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

(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.

(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:

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

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

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

(b) The department may impose the penalties described in Subsection (3)(a) in addition

to issuing a cease and desist order under Section 4-3-605.

- (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.

Section 9. Section **4-3-607** is enacted to read:

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

- (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.

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

- (a) sell the raw milk to a consumer for household use and not for resale;
- (b) sell and deliver the raw milk upon the premises where the raw milk is produced;
- (c) label the raw milk with:
 - (i) the producer's name and address;
 - (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;
 - (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
 - (iv) handling instructions to preserve quality and avoid contamination or spoilage;
- (d) cool the raw milk:
 - (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and
 - (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;
- (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-forming units per milliliter;
- (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and other diseases carried through milk;
- (g) maintain records of tests and sales for a minimum of two years; and
- (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.

Section 10. Section **4-3-608** is enacted to read:

4-3-608 . Severability.

- (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

301 of a court with jurisdiction, the remainder of the part may not be given effect without the
302 invalid section, subsection, provision, or application.

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

304 Section 11. **Repealer.**

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.**

309 This bill takes effect on May 6, 2026.