

Kristen Chevrier proposes the following substitute bill:

Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor: Kirk A. Cullimore

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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, including requirements related to markets;
- ▶ addresses prohibited counts and drug residue in raw milk;
- ▶ prescribes labeling;
- ▶ addresses foodborne illness outbreaks;
- ▶ addresses cease and desist orders;
- ▶ provides for testing and inspections;
- ▶ imposes penalties;
- ▶ allows for sales on premises under certain circumstances;
- ▶ 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:

29 **4-3-301**, as last amended by Laws of Utah 2023, Chapter 528
 30 **4-3-502**, as renumbered and amended by Laws of Utah 2017, Chapter 345

31 ENACTS:

32 **4-3-601**, Utah Code Annotated 1953
 33 **4-3-602**, Utah Code Annotated 1953
 34 **4-3-603**, Utah Code Annotated 1953
 35 **4-3-604**, Utah Code Annotated 1953
 36 **4-3-605**, Utah Code Annotated 1953
 37 **4-3-606**, Utah Code Annotated 1953
 38 **4-3-607**, Utah Code Annotated 1953
 39 **4-3-608**, Utah Code Annotated 1953

40 REPEALS:

41 **4-3-503**, as last amended by Laws of Utah 2025, Chapter 58

42

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

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

45 **4-3-301 . Permits or certificates -- Application -- Fee -- Expiration -- Renewal.**

- 46 (1) ~~[Application]~~ A person shall apply to the department for a permit to operate a plant,
 47 manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk,
 48 or for the wholesale distribution of dairy products ~~[shall be made to the department upon~~
 49 ~~forms]~~ on a form prescribed and furnished by the department.
- 50 (2) Upon receipt of a proper application, compliance with the applicable rules, and payment
 51 of a permit fee determined by the department according to Subsection 4-2-103(2), the
 52 commissioner, if satisfied that the public convenience and necessity and the industry
 53 will be served, shall issue an appropriate permit to the applicant subject to suspension or
 54 revocation for cause.
- 55 (3) A permit issued under this section expires at midnight on December 31 of each year.
- 56 (4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for
 57 payment, haul milk in bulk, or for the wholesale distribution of dairy products, is
 58 renewable for a period of one year upon the payment of an annual permit renewal fee
 59 determined by the department according to Subsection 4-2-103(2) on or before
 60 December 31 of each year.
- 61 (5) Notwithstanding Subsection (1), a person is not required to obtain a permit but shall
 62 notify the department of the intention to produce raw milk or a raw milk product as

63 provided in Part 6, Raw Milk.

64 [~~(5) Notwithstanding the requirements of Subsection (1), application for a permit or~~
 65 ~~certificate to produce milk or a raw milk product, as that term is defined in Section~~
 66 ~~4-3-503, shall be made to the department on forms prescribed and furnished by the~~
 67 ~~department.]~~

68 [~~(6)(a) Upon receipt of a proper application and compliance with applicable rules, the~~
 69 ~~commissioner shall issue a permit entitling the applicant to engage in the business of~~
 70 ~~producer, subject to suspension or revocation for cause.]~~

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

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

73 **4-3-502 . Exemption.**

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

76 (a) the owner of the farm;

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

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

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

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

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

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

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

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

87 **Part 6. Raw Milk**

88 **4-3-601 . Definitions.**

89 As used in this part:

90 (1) "Accredited laboratory" means a laboratory that is accredited by a nationally recognized
 91 organization.

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

94 (3) "Designated agent" means a person that under contract with a producer, without
 95 ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the
 96 producer's raw milk or raw milk product.

- 97 (4) "Foodborne illness outbreak" means the occurrence of two or more cases from different
98 households of a similar illness resulting from the ingestion of a common food.
- 99 (5) "Market" means a retail location, other than the premises where the raw milk is
100 produced, that is registered with the department as a food establishment in accordance
101 with Section 4-5-301 and where raw milk or a raw milk product is offered for sale
102 directly to a consumer.
- 103 (6) "Premises" means the property and facilities used for the:
104 (a) housing or milking of lactating animals; or
105 (b) processing, storage, or sale of raw milk or a raw milk product.
- 106 (7) "Producer" means a person that owns lactating animals and bottles, packages, or sells
107 raw milk or a raw milk product.
- 108 (8) "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 109 (9) "Raw milk product" means a product produced from raw milk.
- 110 (10) "Third party vendor" means a person that under contract with a producer takes
111 ownership of the producer's raw milk or raw milk product to distribute, sell, deliver,
112 hold, store, or offer for sale the raw milk or raw milk product to a market.
- 113 Section 4. Section **4-3-602** is enacted to read:
- 114 **4-3-602 . General operational requirements -- Requirements for markets.**
- 115 (1)(a) Except as provided in Section 4-3-607, a producer of raw milk or a raw milk
116 product may manufacture, distribute, sell, deliver, hold, store, or offer for sale the
117 raw milk or the raw milk product in accordance with this part if the producer notifies
118 the department in writing of the producer's intention to produce raw milk or a raw
119 milk product.
- 120 (b) The notice required by this Subsection (1) shall include:
- 121 (i) the producer's name and address;
- 122 (ii) the intended method of sale of the raw milk or raw milk product, including
123 direct-to-consumer, through a market, or both direct-to-consumer and through a
124 market; and
- 125 (iii) the species of animal used to produce the raw milk.
- 126 (c)(i) Upon receipt of the notice required by this Subsection (1), the department shall
127 provide the producer an information packet containing information about the
128 operational requirements expressly stated in this part and best practices for the
129 production and sale of raw milk or a raw milk product.
- 130 (ii) The department may provide an information packet under this Subsection (1)(c)

- 131 electronically if the producer provides an electronic address to which the
132 information packet may be sent.
- 133 (2) A producer shall bottle or package raw milk or a raw milk product under sanitary
134 conditions and in sanitary containers on the premises where the raw milk or the raw milk
135 product is produced.
- 136 (3)(a) A producer shall cool raw milk or raw milk used to produce a raw milk product to:
- 137 (i) 50 degrees Fahrenheit or a lower temperature within one hour after being drawn
138 from the animal; and
- 139 (ii) 41 degrees Fahrenheit or a lower temperature within two hours of being drawn
140 from the animal.
- 141 (b) A producer shall maintain the raw milk described in Subsection (3)(a) at 41 degrees
142 Fahrenheit or a lower temperature until the raw milk is sold to a consumer or used to
143 produce a raw milk product.
- 144 (c) A producer shall ensure that when raw milk or a raw milk product is distributed,
145 sold, delivered, held, stored, or offered from a mobile unit, the raw milk or raw milk
146 product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or a
147 lower temperature.
- 148 (d) When a producer transports raw milk or a raw milk product from the premises where
149 the raw milk or raw milk product is produced, the producer shall ensure that the raw
150 milk or raw milk product is transported by a designated agent, a third party vendor, or
151 employee of the producer in a mobile unit with mechanical refrigeration where the
152 raw milk or raw milk product is maintained at 41 degrees Fahrenheit or a lower
153 temperature.
- 154 (4) A producer shall ensure that the raw milk producing animals on the premises of the
155 producer are:
- 156 (a) permanently and individually identifiable; and
- 157 (b) free of tuberculosis, brucellosis, and other diseases carried through milk.
- 158 (5) A producer shall ensure that an individual on the premises who performs work in
159 connection with the production, bottling, packaging, handling, or sale of raw milk or a
160 raw milk product is free from communicable disease.
- 161 (6) A producer shall keep a record for two years of any veterinary care of raw milk
162 producing animals on the premises of the producer.
- 163 (7) A producer shall issue the recall notice for raw milk or a raw milk product on the
164 producer's website and social media, if any, if the department links the producer to a

165 foodborne illness outbreak with a positive whole genome sequencing test under
166 Subsection 4-3-605(5).

167 (8) A market shall display raw milk or a raw milk product in a manner that is separate from
168 pasteurized milk or pasteurized milk products.

169 (9) A market shall maintain the following records for three months:

170 (a) a bill of lading; and

171 (b) an invoice.

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

173 **4-3-603 . Prohibited counts or drug residue.**

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

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

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

177 (2) The bacterial count of raw milk or raw milk used to produce a raw milk product may
178 not exceed 20,000 colony forming units per milliliter.

179 (3) The coliform count of raw milk or raw milk used to produce a raw milk product may
180 not exceed 10 colony forming units per milliliter.

181 (4) Raw milk or raw milk used to produce a raw milk product may not contain drug residue
182 above the tolerance levels recommended by the United States Food and Drug
183 Administration.

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

186 (b) A producer shall retain a record of test results for at least six months from receipt of
187 the test results.

188 (c) A producer is required to provide the department test results only if requested by the
189 department after the producer is linked to a foodborne illness outbreak.

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

191 **4-3-604 . Labeling.**

192 (1) A producer shall label the container of raw milk or a raw milk product in accordance
193 with this section.

194 (2) A producer shall label the container described in Subsection (1) with:

195 (a) a date, no more than nine days after the raw milk or raw milk product is produced, by
196 which the raw milk or raw milk product should be sold;

197 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced,
198 may be unsafe.";

- 199 (c) handling instructions to preserve quality and avoid contamination or spoilage;
200 (d) the producer's name and address;
201 (e) the species of animal used to produce the raw milk;
202 (f) the ingredient list; and
203 (g) an allergen statement meeting federal requirements for milk.

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

205 **4-3-605 . Foodborne illness outbreak -- Cease and desist.**

- 206 (1)(a) Nothing in this chapter shall impede the Department of Health and Human
207 Services or the department in an investigation of a foodborne illness outbreak.
208 (b) Notwithstanding Subsection (1)(a), if the Department of Health and Human Services
209 or the department uses a survey to determine whether there is a foodborne illness
210 outbreak linked to raw milk or a raw milk product, the survey shall include questions
211 that probe the common sources of the implicated pathogen for the foodborne illness
212 outbreak.
- 213 (2)(a) The department shall issue a cease and desist order to a producer prohibiting the
214 sale of raw milk or a raw milk product if:
- 215 (i) a person sells raw milk or a raw milk product before notifying the department in
216 accordance with Subsection 4-3-602(1) of the intent to produce raw milk or a raw
217 milk product;
 - 218 (ii) after the investigation of a foodborne illness outbreak, the department links the
219 producer's raw milk or raw milk product to a foodborne illness outbreak;
 - 220 (iii) after an inspection of a market, the department finds that the producer's raw milk
221 or raw milk product is adulterated or misbranded on the basis of a container found
222 at the market that is sealed and not tampered with as verified by an employee of
223 the market; or
 - 224 (iv) after a receipt of a complaint from the public, the department finds the producer's
225 raw milk or raw milk product is adulterated or misbranded on the basis of the
226 verified complaint.
- 227 (b) A verified complaint for purposes of Subsection (2)(a)(iv) means that the department:
- 228 (i) bases the department's actions on a container that was sealed and not tampered
229 with as verified by the complainant; and
 - 230 (ii) discloses to the producer before issuing the cease and desist order:
 - 231 (A) the name of the complainant; and
 - 232 (B) the facts the department verified that underly the complaint.

- 233 (c) For purposes of the cease and desist order, to positively link a producer to a
234 foodborne illness outbreak, the department shall produce evidence from the
235 investigation under Subsection (1) that the foodborne illness outbreak originated with
236 the specific producer's raw milk or raw milk product.
- 237 (d) A producer who receives a cease and desist order from the department shall stop the
238 sale of the raw milk or raw milk product named in the cease and desist order.
- 239 (3)(a) A cease and desist order shall remain in effect until the sooner of:
- 240 (i) 14 days after the day on which the cease and desist order is issued;
- 241 (ii) the day on which the department:
- 242 (A) verifies that the producer who is subject to the cease and desist order has three
243 consecutive tests of the raw milk or raw milk product that show that the raw
244 milk or raw milk product meet the standards described in Subsections
245 4-3-603(2) and (3) and is free of the pathogens listed in Subsection (3)(b); or
- 246 (B) if the cease and desist order is issued on the basis of a foodborne illness
247 outbreak, receives a genome sequencing test result that demonstrates that the
248 producer's raw milk or raw milk product is not linked to the foodborne illness
249 outbreak that is the subject of the cease and desist order; or
- 250 (iii) if the cease and desist order is issued based on misbranding, the day on which the
251 producer corrects the misbranding.
- 252 (b) The pathogens referred to in Subsection (3)(a)(ii)(A) are the following:
- 253 (i) shiga toxin-producing e. coli;
- 254 (ii) listeria monocytogenes;
- 255 (iii) salmonella; and
- 256 (iv) campylobacter.
- 257 (c) The department shall notify a producer who is subject to a cease and desist order that
258 the cease and desist order is not in effect within one working day of the conditions of
259 Subsection (3)(a) being met.
- 260 (4)(a) The department shall collect a sample within two working days of issuing a cease
261 and desist order for the purpose of the department testing or submitting the sample to
262 an accredited laboratory for testing, at the discretion of the producer, for:
- 263 (i) purposes of Subsection (3)(a)(ii); and
- 264 (ii) if the department wants to publicly disclose a producer's name or identifying
265 information under Subsection (5), whole genome sequencing testing.
- 266 (b) For purposes of a test described in Subsection (3)(a)(ii), the department shall collect

- 267 a sample for each test within two working days of the producer requesting that a
268 sample be collected.
- 269 (c) The time between the department collecting the sample under Subsection (4)(a)(ii)
270 and the department notifying the producer of whole genome sequencing test results
271 may not exceed 15 working days unless, before the 15-working day period expires,
272 the department notifies the producer in writing that the department requires additional
273 time to notify the producer of the whole genome sequencing test results.
- 274 (d)(i) Upon the producer's request and the producer being liable for the costs of the
275 second laboratory, the department shall have the sample collected under
276 Subsection (4)(a) analyzed by two accredited laboratories.
- 277 (ii) The producer shall select the second accredited laboratory.
- 278 (5)(a) Subject to the requirements of Subsection (5)(b), the following may notify the
279 public of a foodborne illness outbreak linked to raw milk or a raw milk product:
- 280 (i) the department;
- 281 (ii) the Department of Health and Human Services in accordance with Section
282 26B-1-202; and
- 283 (iii) a local health department.
- 284 (b) Before an agency listed in Subsection (5)(a) may publicly disclose a producer's name
285 or identifying information, the department shall notify the producer that the
286 department has linked the producer to a foodborne illness outbreak with a positive
287 whole genome sequencing test.
- 288 (c) Before publicly disclosing a producer's name or identifying information under
289 Subsection (5)(b), the Department of Health and Human Services or a local health
290 department shall verify that the department notified the producer that the department
291 has linked the producer to a foodborne illness with a positive whole genome
292 sequencing test.
- 293 (6) Upon written request by a producer with a cease and desist order, the department shall
294 provide the producer information on how to request a hearing regarding the department's
295 decision to issue the cease and desist order.

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

297 **4-3-606 . Department testing, inspecting, or other actions -- Penalties and**
298 **enforcement.**

- 299 (1) The department may do the following only during a cease and desist order issued under
300 Section 4-3-605:

- 301 (a) collect a sample of raw milk or a raw milk product;
302 (b) provide for the testing of a sample of raw milk or a raw milk product; or
303 (c) inspect the premises of a producer.
- 304 (2)(a) The department may establish and collect a fee in accordance with Section
305 63J-1-504 for the taking of a sample, testing, or an inspection conducted in
306 accordance with this part.
- 307 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated
308 credit and may only use the fee to administer and enforce this part.
- 309 (3)(a) If the Department of Health and Human Services or the department links a
310 producer's raw milk or raw milk product to a foodborne illness outbreak and the
311 department finds that the producer has violated this part, the department may impose
312 upon the producer the following administrative penalties:
- 313 (i) upon the first violation, a penalty of no more than \$500;
314 (ii) upon a second violation, a penalty of no more than \$1,000; and
315 (iii) upon a third or subsequent violation, a penalty of no more than \$3,000.
- 316 (b) The department may impose the penalties described in Subsection (3)(a) in addition
317 to issuing a cease and desist order under Section 4-3-605.
- 318 (4) Notwithstanding the other provisions of this title, the department may not impose a
319 penalty or take any other action against a producer except for an action expressly
320 provided for in this part.

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

322 **4-3-607 . Exemption for on-premise sales.**

- 323 (1) A producer may, without meeting the requirements of Sections 4-3-602, 4-3-603, and
324 4-3-604, sell raw milk if the producer complies with this section.
- 325 (2) To be exempt under this section, the producer shall:
- 326 (a) sell the raw milk to a consumer for household use and not for resale;
327 (b) sell and deliver the raw milk upon the premises where the raw milk is produced;
328 (c) label the raw milk with:
- 329 (i) the producer's name and address;
330 (ii) a date, no more than nine days after the raw milk is produced, by which the raw
331 milk should be sold;
332 (iii) the statement: "This raw milk has not been licensed or inspected by the state of
333 Utah. Raw milk, no matter how carefully produced, may be unsafe."; and
334 (iv) handling instructions to preserve quality and avoid contamination or spoilage;

- 335 (d) cool the raw milk:
336 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn
337 from the animal; and
338 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn
339 from the animal;
340 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed
341 10 colony-forming units per milliliter;
342 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis,
343 brucellosis, and other diseases carried through milk;
344 (g) maintain records of tests for a minimum of six months; and
345 (h) notify the department of the producer's intent to sell raw milk in accordance with this
346 section and include in the notification the producer's name and address.

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

348 **4-3-608 . Severability.**

- 349 (1) If any section, subsection, or provision of this part or the application of any section,
350 subsection, or provision to any person or circumstance is held invalid by a final decision
351 of a court with jurisdiction, the remainder of the part may not be given effect without the
352 invalid section, subsection, provision, or application.
353 (2) The provisions of this part may not be severed.

354 Section 11. **Repealer.**

355 This bill repeals:

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

358 Section 12. **Effective Date.**

359 This bill takes effect on May 6, 2026.