

Scott D. Sandall 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 raw milk and raw milk products.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires a permit to produce and sell raw milk or a raw milk product;
- provides for suspension and reinstatement of a permit;
- provides for general operational requirements, including routine testing;
- addresses signage, labeling, and marketing material;
- addresses foodborne illness outbreaks;
- addresses testing and inspections;
- provides for enforcement and penalties; 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

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

29 **4-3-605**, Utah Code Annotated 1953

30 **4-3-606**, Utah Code Annotated 1953

31 REPEALS:

32 **4-3-503**, as last amended by Laws of Utah 2025, Chapter 58

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

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

36 **4-3-301 . Permits or certificates -- Application -- Fee -- Expiration -- Renewal --**

37 **Raw milk.**

38 (1) ~~[Application]~~ A person shall apply to the department for a permit to operate a plant,  
 39 manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk,  
 40 or for the wholesale distribution of dairy products ~~[shall be made to the department upon~~  
 41 ~~forms-] on a form prescribed and furnished by the department.~~

42 (2) Upon receipt of a proper application, compliance with the applicable rules, and payment  
 43 of a permit fee determined by the department according to Subsection 4-2-103(2), the  
 44 commissioner, if satisfied that the public convenience and necessity and the industry  
 45 will be served, shall issue an appropriate permit to the applicant subject to suspension or  
 46 revocation for cause.

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

48 (4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for  
 49 payment, haul milk in bulk, or for the wholesale distribution of dairy products, is  
 50 renewable for a period of one year upon the payment of an annual permit renewal fee  
 51 determined by the department according to Subsection 4-2-103(2) on or before  
 52 December 31 of each year.

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

57 (6)(a) Upon receipt of a proper application and compliance with applicable rules, the  
 58 commissioner shall issue a permit entitling the applicant to engage in the business of  
 59 producer, subject to suspension or revocation for cause.

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

61 (7) In accordance with Part 6, Raw Milk, a person shall obtain a permit from the  
 62 department to produce and sell raw milk or a raw milk product, as those terms are

63 defined in Section 4-3-601.

64 Section 2. Section **4-3-601** is enacted to read:

65 **Part 6. Raw Milk**

66 **4-3-601 . Definitions.**

67 As used in this part:

- 68 (1) "Approved laboratory" means a laboratory accredited by a nationally recognized  
 69 organization and approved by the department.
- 70 (2) "Consumer" means an end user who purchases raw milk or a raw milk product for  
 71 personal or household use.
- 72 (3) "Delivery provider" means a person who under contract with a producer delivers raw  
 73 milk or a raw milk product to a consumer or market.
- 74 (4) "Destruction" means to dispose of raw milk or a raw milk product in a manner that  
 75 prevents use or consumption of the raw milk or raw milk product.
- 76 (5) "Foodborne illness outbreak" means the occurrence of two or more cases from different  
 77 households of a similar illness resulting from the ingestion of a common food.
- 78 (6) "Food service establishment" means the same as that term is defined in Section  
 79 26B-7-401.
- 80 (7) "Market" means a retail location or establishment other than the premises of the  
 81 producer that is registered with the department as a food establishment in accordance  
 82 with Section 4-5-301 and where raw milk or a raw milk product is offered for sale  
 83 directly to a consumer.
- 84 (8) "Premises" means the property or facility used for the:  
 85 (a) housing or milking of lactating animals; or  
 86 (b) processing, storage, or sale of raw milk or a raw milk product.
- 87 (9) "Producer" means a person that owns a lactating animal and produces, bottles, packages,  
 88 or sells raw milk or a raw milk product.
- 89 (10) "Raw milk" means milk from a lactating animal that has not been pasteurized.
- 90 (11) "Raw milk product" means a product produced from raw milk.

91 Section 3. Section **4-3-602** is enacted to read:

92 **4-3-602 . Permit required -- Suspension of permit.**

- 93 (1) A person may not produce and sell raw milk or a raw milk product without a permit  
 94 issued by the department under this section.
- 95 (2) The permit application shall include:  
 96 (a) the intended method of sale, including direct-to-consumer, by a market, or both

- 97 direct-to-consumer and by a market;
- 98 (b) a declaration of understanding and intent to comply with this part;
- 99 (c) an example of signage and labeling compliant with Section 4-3-604;
- 100 (d) the species of lactating animals that produces the raw milk;
- 101 (e) a permit number assigned by the department;
- 102 (f) a recall plan compliant with Subsection 4-3-603(7);
- 103 (g) whether raw milk will be sold;
- 104 (h) the type of a raw milk product, if any, that will be produced or sold including the
- 105 type of cheese that will be produced or sold; and
- 106 (i) other information requested by the department by rule made in accordance with Title
- 107 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 108 (3)(a) Subject to Subsection (3)(c), a permit is valid for the calendar year in which the
- 109 person is issued a permit.
- 110 (b) To renew a permit, a person shall file a renewal application with the department by
- 111 no later than December 31.
- 112 (c) If a producer changes information listed in Subsection (2), the producer shall submit
- 113 a new permit application by no later than 30 days before the change and mark that the
- 114 permit application is an updated application.
- 115 (4)(a) The department shall establish and collect a fee in accordance with Section
- 116 63J-1-504 for issuing or renewing a permit under this part.
- 117 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee under this
- 118 Subsection (4) as a dedicated credit and may only use the fee to administer and
- 119 enforce this part.
- 120 (5)(a) The department shall suspend a permit issued under this section if three out of five
- 121 consecutive samples violate a standard established under Subsection 4-3-603(8).
- 122 (b) The department may reissue a permit that has been suspended under Subsection (5)(a)
- 123 if the producer:
- 124 (i) obtains three consecutive tests that meet all the standards described in Subsection
- 125 4-3-603(8); and
- 126 (ii) complies with all of the requirements of this part and rules made as authorized by
- 127 this part.
- 128 (c) A person whose permit is suspended under this section may appeal the action in
- 129 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 130 Section 4. Section **4-3-603** is enacted to read:

131 **4-3-603 . General operational requirements.**

132 (1)(a) A person may produce raw milk only from an animal owned by a producer  
133 permitted by the department.

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

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

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

138 (b) Subject to Subsection (10), a producer shall maintain veterinary care records,  
139 including:

140 (i) routine herd health checks;

141 (ii) disease screening;

142 (iii) treatment documentation; and

143 (iv) withdrawal period verification.

144 (c) A producer shall:

145 (i) comply with a withdrawal period after animal treatment;

146 (ii) routinely screen for mastitis or illness; and

147 (iii) refrain from selling raw milk or a raw milk product from a sick animal.

148 (4)(a) A person may not sell raw milk or a raw milk product through a food service  
149 establishment or under Chapter 5a, Home Consumption and Homemade Food Act.

150 (b) A person may not use raw milk in a commercial kitchen, in commercial food  
151 processing, or in a food service establishment.

152 (c) A producer may not allow raw milk or a raw milk product, including cream from raw  
153 milk, to be removed from the premises where that raw milk is produced unless:

154 (i) the raw milk or raw milk product is delivered to a consumer or market by the  
155 producer or a delivery provider; and

156 (ii) the label on the raw milk or raw milk product is not changed from the label  
157 required under Section 4-3-604 placed on the raw milk or raw milk product by the  
158 producer.

159 (5)(a) A person shall cool raw milk to 41 degrees Fahrenheit or below within two hours  
160 of milking and maintain the raw milk or a raw milk product at or below 41 degrees  
161 Fahrenheit at all times.

162 (b) A producer shall use a raw milk container that is tamper-resistant, food-grade, and  
163 compliant with the labeling requirements of Section 4-3-604.

164 (6)(a) A producer shall use a separate enclosed facility for:

- 165            (i) animal housing;  
166            (ii) milking; and  
167            (iii) processing and packaging.
- 168            (b) Premises used for milking or processing and packaging shall meet the sanitation  
169            standards adopted by the department by rule made in accordance with Title 63G,  
170            Chapter 3, Utah Administrative Rulemaking Act.
- 171            (7)(a) A producer shall implement a recall plan approved by the department.
- 172            (b) If a producer recalls raw milk or a raw milk product, the producer shall publish  
173            notice of the recall on the producer's website and social media, if any.
- 174            (8) Raw milk or a raw milk product may not contain:
- 175            (a) aerobic bacteria that exceeds 20,000 colony forming units per milliliter;  
176            (b) a coliform count that exceeds 10 colony forming units per milliliter; or  
177            (c) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e.  
178            coli.
- 179            (9)(a) The department or the producer through an approved laboratory shall test a  
180            sample of raw milk or a raw milk product monthly to ensure compliance with the  
181            aerobic bacteria and coliform count standards of Subsection (8).
- 182            (b) If a test finds that a sample tested under Subsection (9)(a) exceeds the aerobic  
183            bacteria or coliform count standard of Subsection (8), the department may test or  
184            require the producer through an approved laboratory to test for detectable levels of  
185            the pathogens listed in Subsection (8)(c).
- 186            (c) A producer shall report a positive finding of a pathogen listed in Subsection (8)(c) to  
187            the department within two business days of receipt of a test finding the pathogen.
- 188            (10)(a) A producer shall retain the following records for a minimum of two years:
- 189            (i) animal health and treatment records described in Subsection (3);  
190            (ii) test results;  
191            (iii) a record of a contract with a delivery provider and a delivery made under the  
192            contract; and  
193            (iv) a record of a sale to a market.
- 194            (b) A producer shall maintain a temperature log for a minimum of three months.
- 195            (c) Except as provided in Subsection (9)(c), a producer shall disclose a record described  
196            in this Subsection (10) to the department upon request of the department in the case  
197            of a suspicion that raw milk or a raw milk product is the likely source of a foodborne  
198            illness outbreak.

199 Section 5. Section **4-3-604** is enacted to read:

200 **4-3-604 . Signage, labeling, and marketing material -- Prohibition on use of**  
201 **department's name or logo.**

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

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

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

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

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

210 (d) the following additional information:

211 (i) net volume;

212 (ii) production and consume-by date;

213 (iii) department issued permit number;

214 (iv) producer name and address;

215 (v) animal source;

216 (vi) ingredient list; and

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

218 (3) A producer that sells raw milk or a raw milk product may not:

219 (a) on signage, a label, or marketing material:

220 (i) use the department's name or logo; or

221 (ii) describe raw milk or a raw milk product as grade A; or

222 (b) use a label that contains a medical claim.

223 Section 6. Section **4-3-605** is enacted to read:

224 **4-3-605 . Foodborne illness outbreak -- Cease and desist.**

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

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

228 (ii) a laboratory finding;

229 (iii) whole genome sequencing;

230 (iv) traceback and supply chain documentation; or

231 (v) a violation of safety standards.

232 (b) The department is not required to obtain a pathogen-positive result to prove that a

233 producer is the likely source of a foodborne illness outbreak if other evidence  
234 establishes the raw milk or raw milk product as the likely source of a foodborne  
235 illness outbreak.

236 (c) Notwithstanding Subsection (1)(a)(i), if the Department of Health and Human  
237 Services or the department uses an epidemiological method to determine whether raw  
238 milk or a raw milk product is the likely source of a foodborne illness outbreak, the  
239 epidemiological method shall include questions that probe the common sources of the  
240 implicated pathogen for the foodborne illness outbreak.

241 (2) The department shall issue a cease and desist order in accordance with Subsection  
242 4-2-606(7) if the department proves that a producer is the likely source of a foodborne  
243 illness outbreak linked to raw milk or a raw milk product.

244 (3)(a) Within two working days of issuing a cease and desist order, the department shall  
245 collect a sample of raw milk or a raw milk product for whole genome sequencing and  
246 may test for an item listed in Subsection 4-3-603(8).

247 (b) The department shall share with the producer whole genome sequencing results  
248 within 15 working days from the day the sample is taken under this Subsection (3)  
249 unless the time frame is extended by the department in writing.

250 (c) Upon request of a producer, and at the producer's expense, the department shall  
251 submit a sample tested by the department or in an approved laboratory to a second  
252 approved laboratory for testing.

253 (4) The department, the Department of Health and Human Services, or a local health  
254 department may publicly disclose that a producer is the likely source of a foodborne  
255 illness outbreak only:

256 (a) if proven by a positive whole genome sequencing test; and

257 (b) after the department notifies the producer in writing before the disclosure.

258 Section 7. Section **4-3-606** is enacted to read:

259 **4-3-606 . Department testing, inspecting, or other actions -- Penalties and**  
260 **enforcement.**

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

262 (a) for the monthly tests required by Subsection 4-3-603(9);

263 (b) during an inspection if there is suspicion of adulteration;

264 (c) anytime there is a suspicion that the producer is the likely source of a foodborne  
265 illness outbreak; or

266 (d) when the department receives a complaint from the public that a producer violates

- 267 this part and the department discloses to the producer the underlying facts of the  
268 complaint before the sample is collected.
- 269 (2)(a) The department may inspect premises:
- 270 (i) before issuance of the initial permit under Section 4-3-602;  
271 (ii) quarterly after the initial inspection;  
272 (iii) anytime there is a suspicion that a producer is the likely source of a foodborne  
273 illness outbreak;  
274 (iv) anytime there is a suspicion that raw milk or a raw milk product is adulterated, as  
275 defined in Section 4-3-102; or  
276 (v) when the department receives a complaint from the public that a producer violates  
277 this part and the department discloses to the producer the underlying facts of the  
278 complaint before the inspection.
- 279 (b) The department may inspect the following under this Subsection (2):
- 280 (i) a production area;  
281 (ii) a milking space; or  
282 (iii) a bottling or processing facility.
- 283 (3) The department may detain, test, or order the destruction of raw milk or a raw milk  
284 product:
- 285 (a) that is adulterated or misbranded as defined in Section 4-3-102; or  
286 (b) if there is a suspicion that the raw milk or raw milk product is the likely source of a  
287 foodborne illness outbreak.
- 288 (4)(a) The department shall establish and collect a fee in accordance with Section  
289 63J-1-504 for a test conducted under this part or an inspection under Subsection (2).
- 290 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated  
291 credit and may only use the fee to administer and enforce this part.
- 292 (5) During a 12-month period, the department may impose an administrative fine against a  
293 person that produces or sells adulterated or misbranded raw milk or raw milk product as  
294 follows:
- 295 (a) upon the first violation, an administrative fine of not more than \$500;  
296 (b) upon a second violation, an administrative fine of not more than \$1,000; and  
297 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.
- 298 (6) The department may impose an administrative fine in the amount listed in Subsection (5)  
299 if a producer sells raw milk or a raw milk product without being permitted under this  
300 part.

- 301 (7)(a) The department may impose the following against a person that the department  
302 proves to be the likely source of a foodborne illness outbreak under Section 4-3-606  
303 during a 12-month period described in Subsection (7)(b):
- 304 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14  
305 days;
- 306 (ii) upon a finding of a new case after the imposition of a penalty under Subsection  
307 (7)(a)(i) or upon a second proof of a foodborne illness outbreak, a cease and desist  
308 order of 14 days and an administrative fine of \$500;
- 309 (iii) upon a finding of a new case after the imposition of a penalty under Subsection  
310 (7)(a)(ii) or upon a third proof of a foodborne illness outbreak, a cease and desist  
311 order of 14 days and an administrative fine of \$1,000; and
- 312 (iv) upon a finding of a new case after the imposition of a penalty under Subsection  
313 (7)(a)(iii) or upon a fourth or subsequent proof of a foodborne illness outbreak, an  
314 administrative fine of \$3,000.
- 315 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the  
316 day on which a cease and desist order is imposed under Subsection (7)(a)(i) and ends  
317 12 months after the day which the cease and desist order is imposed under Subsection  
318 (7)(a)(i). A foodborne illness outbreak or new case that occurs after the 12-month  
319 period described in this Subsection (7)(b) results in the start of a new 12-month  
320 period.
- 321 (8) The department may impose a civil penalty under Section 4-2-304 for a violation of this  
322 part not described in Subsections (5) through (7).
- 323 (9) A person subject to an action under Subsections (5) through (8) may appeal the action in  
324 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

325 **Section 8. Repealer.**

326 This bill repeals:

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

328 **Section 9. Effective Date.**

329 This bill takes effect on May 6, 2026.