

Michael L. Kohler proposes the following substitute bill:

1 **Raw Milk Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill addresses the regulation of raw milk.

5 **Highlighted Provisions:**

6 This bill:

7

- 8 ▶ defines terms;
- 9 ▶ requires registration;
- 10 ▶ provides for general operational requirements;
- 11 ▶ addresses signage, labeling, and marketing material;
- 12 ▶ addresses foodborne illness outbreaks;
- 13 ▶ addresses testing and inspections;
- 14 ▶ provides for enforcement and penalties; and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **4-3-301**, as last amended by Laws of Utah 2023, Chapter 528

23 **ENACTS:**

24 **4-3-601**, Utah Code Annotated 1953

25 **4-3-602**, Utah Code Annotated 1953

26 **4-3-603**, Utah Code Annotated 1953

27 **4-3-604**, Utah Code Annotated 1953

28 **4-3-605**, Utah Code Annotated 1953

29 **4-3-606**, Utah Code Annotated 1953

30 **REPEALS:**

31 **4-3-503**, as last amended by Laws of Utah 2025, Chapter 58

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

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

35 **4-3-301 . Permits or certificates -- Application -- Fee -- Expiration -- Renewal --**

36 **Raw milk registration.**

37 (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.

41 (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.

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

47 (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.

52 ~~[(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.]~~

56 ~~[(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.]~~

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

60 ~~(5) Notwithstanding Subsection (1), in accordance with Part 6, Raw Milk, on a form prescribed and furnished by the department, a person shall register to produce and sell raw milk or a raw milk product.~~

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

Part 6. Raw Milk

4-3-601 . Definitions.

As used in this part:

- (1) "Batch" means the milk emptied from one bulk tank and bottled in a single day.
- (2) "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.
- (3) "Delivery provider" means a person who under contract with a producer delivers raw milk or a raw milk product to a consumer or market.
- (4) "Destruction" means to dispose of raw milk or a raw milk product in a manner that prevents use or consumption of the raw milk or raw milk product.
- (5) "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.
- (6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.
- (7) "Market" means a retail location or establishment other than the premises of the producer where raw milk or a raw milk product is offered for sale directly to a consumer.
- (8) "Premises" means the property or facility used for the:
 - (a) housing or milking of lactating animals; or
 - (b) processing, storage, or sale of raw milk or a raw milk product.
- (9) "Producer" means a person that owns a lactating animal and produces, bottles, packages, or sells raw milk or a raw milk product.
- (10) "Raw milk" means milk from a lactating animal that has not been pasteurized.
- (11) "Raw milk product" means a product produced from raw milk.

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

4-3-602 . Registration.

- (1) A person may not produce and sell raw milk or a raw milk product without registering with the department.
- (2) The registration application shall be in the form of a postcard and include:
 - (a) the business name and address of the producer; and
 - (b) the species of lactating animals that produce the raw milk.
- (3)(a) Subject to Subsection (4), registration is valid for the calendar year in which the person registers.
 - (b) To renew a registration, a person shall file a renewal application with the department

97 in the form of a postcard by no later than December 31.

98 (4) If a producer changes information listed in Subsection (2) that is provided in a postcard
99 registration application, the producer shall submit a new registration application by no
100 later than 30 days before the change and mark that the registration application is an
101 updated application.

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

103 **4-3-603 . General operational requirements.**

104 (1)(a) A person may produce raw milk only from an animal owned by the registered
105 producer.

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

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

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

110 (b) Subject to Subsection (9), a producer shall maintain veterinary care records,
111 including:

112 (i) routine herd health checks;

113 (ii) disease screening;

114 (iii) treatment documentation; and

115 (iv) withdrawal period verification.

116 (c) A producer shall:

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

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

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

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

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

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

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

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

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

134 (b) A producer shall use a raw milk container that is tamper-resistant and food-grade.

135 (c) During transport, a person shall:
136 (i) maintain raw milk or a raw milk product at or below 41 degrees Fahrenheit; and
137 (ii) if the producer, package the raw milk or a raw milk product in a tamper-resistant,
138 food-grade container compliant with the labeling requirements of Section 4-3-604.

139 (6)(a) A producer shall use a separate enclosed facility for:
140 (i) animal housing;
141 (ii) milking; and
142 (iii) processing and packaging.

143 (b) Premises used for milking or processing and packaging shall include:
144 (i) a sanitary toilet and handwashing station;
145 (ii) a wastewater disposal system approved by the applicable state or local agency;
146 and
147 (iii) a proper cleaning, sanitizing, and storage area for equipment or packaging.

148 (7)(a) A producer shall implement a recall plan approved by the department.
149 (b) If a producer recalls raw milk or a raw milk product, the producer shall publish
150 notice of the recall on the producer's website and social media, if any.

151 (8)(a) Raw milk or a raw milk product may not contain:
152 (i) drug residues;
153 (ii) aerobic bacteria that exceeds 20,000 colony forming units per milliliter;
154 (iii) a coliform count that exceeds 10 colony forming units per milliliter; or
155 (iv) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing
156 e. coli.

157 (b) A producer shall report positive pathogen or drug residue findings to the department
158 within two business days of receipt of a test finding the pathogen or drug residue.

159 (c) A producer shall comply with department rules, made in accordance with Title 63G,
160 Chapter 3, Utah Administrative Rulemaking Act, to address a finding described in
161 Subsection (8)(b).

162 (9)(a) A producer shall retain the following records for a minimum of two years:
163 (i) animal health and treatment records described in Subsection (3);
164 (ii) test results and corrective actions;

(iii) a record of a contract with a delivery provider and a delivery made under the contract; and

(iv) a record of a sale to a market.

(b) A producer shall maintain a temperature log for a minimum of three months.

(c) Except as provided in Subsection (8), a producer shall disclose a record described in this Subsection (9) to the department upon request of the department in the case of a suspicion that the raw milk or raw milk product is linked to a foodborne illness outbreak.

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

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

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

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

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

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

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

(d) the following additional information:

(i) net volume:

(ii) production and consume-by date:

(iii) department issued registration number:

(iv) producer name and address:

(v) animal source;

(vi) ingredient list: and

(vii) allergen statement meeting federal requirements for milk

(3) A producer that sells raw milk or a raw milk product may not on signage, labels, or marketing material:

(a) use the department's name or logo; or

(b) describe raw milk or a raw milk product as grade A

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

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

(1)(a) The department may prove that a producer is the likely source of a foodborne

199 illness outbreak on the basis of:

200 (i) epidemiological and statistical evidence;

201 (ii) a laboratory finding;

202 (iii) whole genome sequencing;

203 (iv) traceback and supply chain documentation; or

204 (v) a violation of safety standards.

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

206 producer is the likely source of a foodborne illness outbreak if other evidence

207 establishes the raw milk or raw milk product as the likely source of a foodborne

208 illness outbreak.

209 (2) The department shall issue a cease and desist order in accordance with Subsection

210 4-2-606(7) if the department proves that a producer is the likely source of a foodborne

211 illness outbreak linked to raw milk or a raw milk product.

212 (3)(a) Within two working days of issuing a cease and desist order, the department shall

213 collect a sample of raw milk or a raw milk product for whole genome sequencing and

214 may test for an item listed in Subsection 4-3-603(8)(a).

215 (b) The department shall share with the producer whole genome sequencing results

216 within 15 working days from the day the sample is taken under this Subsection (3)

217 unless the time frame is extended by the department in writing.

218 (c) Upon request of a producer, and at the producer's expense, the department shall

219 submit a sample tested in one lab to a second lab approved by the department for

220 testing.

221 (4) The department, the Department of Health and Human Services, or a local health

222 department may publicly disclose that a producer is the likely source of a foodborne

223 illness outbreak only:

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

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

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

227 **4-3-606 . Department testing, inspecting, or other actions -- Penalties and**

228 **enforcement.**

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

230 (a) during an inspection if there is suspicion of adulteration;

231 (b) anytime there is a suspicion that the producer is linked to a foodborne illness

232 outbreak; or

233 (c) when the department receives a complaint from the public that a producer violates
234 this part.

235 (2)(a) The department may inspect premises:

236 (i) upon initial registration by a producer;

237 (ii) anytime there is a suspicion that a producer is linked to a foodborne illness
238 outbreak; or

239 (iii) when the department receives a complaint from the public that a producer
240 violates this part.

241 (b) For a producer, the department may inspect the following under this Subsection (2):

242 (i) a production area;

243 (ii) a milking space; or

244 (iii) a bottling or processing facility.

245 (c) The department may not impose a charge for an inspection under Subsection (2)(a)(i).

246 (3) The department may detain, test, or order the destruction of raw milk or a raw milk
247 product:

248 (a) that is adulterated or misbranded as provided in Section 4-5-401; or

249 (b) if there is a suspicion that the raw milk or raw milk product is linked to a foodborne
250 illness outbreak.

251 (4)(a) The department shall establish and collect a fee in accordance with Section
252 63J-1-504 for a test conducted under this part or an inspection under Subsection
253 (2)(a)(ii) or (iii).

254 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated
255 credit and may only use the fee to administer and enforce this part.

256 (5) During a 12-month period, the department may impose an administrative fine against a
257 person that produces or sells adulterated or misbranded raw milk or raw milk product as
258 follows:

259 (a) upon the first violation, an administrative fine of not more than \$500;

260 (b) upon a second violation, an administrative fine of not more than \$1,000; and

261 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.

262 (6) The department may impose an administrative fine or suspension of operations in the
263 amount and time frame listed in Subsection (5) if a producer sells raw milk or a raw
264 milk product without being registered under this part.

265 (7)(a) The department may impose the following against a person that the department
266 proves to be the likely source of a foodborne illness outbreak under Section 4-3-606

267 during a 12-month period described in Subsection (7)(b):

268 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14
269 days;

270 (ii) upon a finding of a new case after the imposition of a penalty under Subsection
271 (7)(a)(i) or upon a second proof of a foodborne illness outbreak, a cease and desist
272 order of 14 days and an administrative fine of \$500;

273 (iii) upon a finding of a new case after the imposition of a penalty under Subsection
274 (7)(a)(ii) or upon a third proof of a foodborne illness outbreak, a cease and desist
275 order of 14 days and an administrative fine of \$1,000; and

276 (iv) upon a finding of a new case after the imposition of a penalty under Subsection
277 (7)(a)(iii) or upon a fourth or subsequent proof of a foodborne illness outbreak, an
278 administrative fine of \$3,000.

279 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the
280 day on which a cease and desist order is imposed under Subsection (7)(a)(i) and ends
281 12 months after the day which the cease and desist order is imposed under Subsection
282 (7)(a)(i). A foodborne illness outbreak or new case that occurs after the 12-month
283 period described in this Subsection (7)(b) results in the start of a new 12-month
284 period.

285 (8) The department may impose a civil penalty under Section 4-2-304 for a violation of this
286 part not described in Subsections (5) through (7).

287 (9) A person subject to an action under Subsections (5) through (8) may appeal the action in
288 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

289 Section 8. **Repealer.**

290 This bill repeals:

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

292 **Severability not permitted.**

293 Section 9. **Effective Date.**

294 This bill takes effect on May 6, 2026.