

Michael L. Kohler proposes the following substitute bill:

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Raw Milk Amendments
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Michael L. Kohler
 Senate Sponsor:

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LONG TITLE

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General Description:

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This bill addresses the regulation of raw milk.

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Highlighted Provisions:

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This bill:

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▸ defines terms;

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▸ requires registration;

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▸ provides for general operational requirements;

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▸ addresses signage, labeling, and marketing material;

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▸ addresses foodborne illness outbreaks;

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▸ addresses testing and inspections;

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▸ provides for enforcement and penalties; and

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

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ENACTS:

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4-3-601, Utah Code Annotated 1953

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4-3-602, Utah Code Annotated 1953

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4-3-603, Utah Code Annotated 1953

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4-3-604, Utah Code Annotated 1953

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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

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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,
 38 manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk,
 39 or for the wholesale distribution of dairy products ~~[shall be made to the department upon~~
 40 ~~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
 42 of a permit fee determined by the department according to Subsection 4-2-103(2), the
 43 commissioner, if satisfied that the public convenience and necessity and the industry
 44 will be served, shall issue an appropriate permit to the applicant subject to suspension or
 45 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
 48 payment, haul milk in bulk, or for the wholesale distribution of dairy products, is
 49 renewable for a period of one year upon the payment of an annual permit renewal fee
 50 determined by the department according to Subsection 4-2-103(2) on or before
 51 December 31 of each year.

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

56 ~~[(6)(a) Upon receipt of a proper application and compliance with applicable rules, the~~
 57 ~~commissioner shall issue a permit entitling the applicant to engage in the business of~~
 58 ~~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
 61 prescribed and furnished by the department, a person shall register to produce and sell
 62 raw milk or a raw milk product.

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

64 **Part 6. Raw Milk**

65 **4-3-601 . Definitions.**

66 As used in this part:

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

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

90 **4-3-602 . Registration.**

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

97 person registers.

98 (b) To renew a registration, a person shall file a renewal application with the department
99 in the form of a postcard by no later than December 31.

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

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

105 **4-3-603 . General operational requirements.**

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

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

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

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

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

114 (i) routine herd health checks;

115 (ii) disease screening;

116 (iii) treatment documentation; and

117 (iv) withdrawal period verification.

118 (c) A producer shall:

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

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

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

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

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

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

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

130 (ii) the label on the raw milk or raw milk product is not changed from the label

131 required under Section 4-3-604 placed on the raw milk or raw milk product by the
132 producer.

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

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

137 (c) During transport, a person shall:

138 (i) maintain raw milk or a raw milk product at or below 41 degrees Fahrenheit; and

139 (ii) if the producer, package the raw milk or a raw milk product in a tamper-resistant,
140 food-grade container compliant with the labeling requirements of Section 4-3-604.

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

142 (i) animal housing;

143 (ii) milking; and

144 (iii) processing and packaging.

145 (b) Premises used for milking or processing and packaging shall meet the sanitation
146 standards adopted by the department by rule made in accordance with Title 63G,
147 Chapter 3, Utah Administrative Rulemaking Act.

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 a department rule, made in accordance with Title 63G,
160 Chapter 3, Utah Administrative Rulemaking Act, detailing what steps the producer is
161 to take to address a finding described in 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;

- 165 (iii) a record of a contract with a delivery provider and a delivery made under the
 166 contract; and
 167 (iv) a record of a sale to a market.
 168 (b) A producer shall maintain a temperature log for a minimum of three months.
 169 (c) Except as provided in Subsection (8), a producer shall disclose a record described in
 170 this Subsection (9) to the department upon request of the department in the case of a
 171 suspicion that the raw milk or raw milk product is linked to a foodborne illness
 172 outbreak.

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

174 **4-3-604 . Signage, labeling, and marketing material -- Prohibition on use of**
 175 **department's name or logo.**

- 176 (1) A producer shall conspicuously post signage at the location where raw milk or a raw
 177 milk product is displayed for sale stating: "THIS PRODUCT IS RAW MILK OR
 178 MADE WITH RAW MILK."
 179 (2) A person shall label a raw milk or raw milk product container with:
 180 (a) the statement: "RAW MILK" or "RAW MILK PRODUCT" in letters at least 1/4
 181 inch high;
 182 (b) the warning: "Raw milk, no matter how carefully produced, may be unsafe.";
 183 (c) a black cap for fluid raw milk; and
 184 (d) the following additional information:
 185 (i) net volume;
 186 (ii) production and consume-by date;
 187 (iii) department issued registration number;
 188 (iv) producer name and address;
 189 (v) animal source;
 190 (vi) ingredient list; and
 191 (vii) allergen statement meeting federal requirements for milk.

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

- 194 (a) use the department's name or logo; or
 195 (b) describe raw milk or a raw milk product as grade A.

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

197 **4-3-605 . Foodborne illness outbreak -- Cease and desist.**

198 (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) subject to Subsection (1)(c), 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 (c) Notwithstanding Subsection (1)(a)(i), if the Department of Health and Human
- 210 Services or the department uses an epidemiological method to determine whether
- 211 there is a foodborne illness outbreak linked to raw milk or a raw milk product, the
- 212 epidemiological method shall include questions that probe the common sources of the
- 213 implicated pathogen for the foodborne illness outbreak.
- 214 (2) The department shall issue a cease and desist order in accordance with Subsection
- 215 4-2-606(7) if the department proves that a producer is the likely source of a foodborne
- 216 illness outbreak linked to raw milk or a raw milk product.
- 217 (3)(a) Within two working days of issuing a cease and desist order, the department shall
- 218 collect a sample of raw milk or a raw milk product for whole genome sequencing and
- 219 may test for an item listed in Subsection 4-3-603(8)(a).
- 220 (b) The department shall share with the producer whole genome sequencing results
- 221 within 15 working days from the day the sample is taken under this Subsection (3)
- 222 unless the time frame is extended by the department in writing.
- 223 (c) Upon request of a producer, and at the producer's expense, the department shall
- 224 submit a sample tested in one lab to a second lab approved by the department for
- 225 testing.
- 226 (4) The department, the Department of Health and Human Services, or a local health
- 227 department may publicly disclose that a producer is the likely source of a foodborne
- 228 illness outbreak only:
- 229 (a) if proven by a positive whole genome sequencing test; and
- 230 (b) after the department notifies the producer in writing before the disclosure.

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

232 **4-3-606 . Department testing, inspecting, or other actions -- Penalties and**

233 **enforcement.**

- 234 (1) The department may collect and test a sample of raw milk or a raw milk product:
235 (a) during an inspection if there is suspicion of adulteration;
236 (b) anytime there is a suspicion that the producer is linked to a foodborne illness
237 outbreak; or
238 (c) when the department receives a complaint from the public that a producer violates
239 this part and the department discloses to the producer the underlying facts of the
240 complaint before the sample is collected.
- 241 (2)(a) The department may inspect premises:
242 (i) upon initial registration by a producer;
243 (ii) anytime there is a suspicion that a producer is linked to a foodborne illness
244 outbreak; or
245 (iii) when the department receives a complaint from the public that a producer
246 violates this part and the department discloses to the producer the underlying facts
247 of the complaint before the inspection.
- 248 (b) For a producer, the department may inspect the following under this Subsection (2):
249 (i) a production area;
250 (ii) a milking space; or
251 (iii) a bottling or processing facility.
- 252 (3) The department may detain, test, or order the destruction of raw milk or a raw milk
253 product:
254 (a) that is adulterated or misbranded as provided in Section 4-5-401; or
255 (b) if there is a suspicion that the raw milk or raw milk product is linked to a foodborne
256 illness outbreak.
- 257 (4)(a) The department shall establish and collect a fee in accordance with Section
258 63J-1-504 for a test conducted under this part or an inspection under Subsection (2).
259 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated
260 credit and may only use the fee to administer and enforce this part.
- 261 (5) During a 12-month period, the department may impose an administrative fine against a
262 person that produces or sells adulterated or misbranded raw milk or raw milk product as
263 follows:
264 (a) upon the first violation, an administrative fine of not more than \$500;
265 (b) upon a second violation, an administrative fine of not more than \$1,000; and
266 (c) upon a third or subsequent violation, an administrative fine of not more than \$3,000.

- 267 (6) The department may impose an administrative fine or suspension of operations in the
268 amount and time frame listed in Subsection (5) if a producer sells raw milk or a raw
269 milk product without being registered under this part.
- 270 (7)(a) The department may impose the following against a person that the department
271 proves to be the likely source of a foodborne illness outbreak under Section 4-3-606
272 during a 12-month period described in Subsection (7)(b):
- 273 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14
274 days;
- 275 (ii) upon a finding of a new case after the imposition of a penalty under Subsection
276 (7)(a)(i) or upon a second proof of a foodborne illness outbreak, a cease and desist
277 order of 14 days and an administrative fine of \$500;
- 278 (iii) upon a finding of a new case after the imposition of a penalty under Subsection
279 (7)(a)(ii) or upon a third proof of a foodborne illness outbreak, a cease and desist
280 order of 14 days and an administrative fine of \$1,000; and
- 281 (iv) upon a finding of a new case after the imposition of a penalty under Subsection
282 (7)(a)(iii) or upon a fourth or subsequent proof of a foodborne illness outbreak, an
283 administrative fine of \$3,000.
- 284 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the
285 day on which a cease and desist order is imposed under Subsection (7)(a)(i) and ends
286 12 months after the day which the cease and desist order is imposed under Subsection
287 (7)(a)(i). A foodborne illness outbreak or new case that occurs after the 12-month
288 period described in this Subsection (7)(b) results in the start of a new 12-month
289 period.
- 290 (8) The department may impose a civil penalty under Section 4-2-304 for a violation of this
291 part not described in Subsections (5) through (7).
- 292 (9) A person subject to an action under Subsections (5) through (8) may appeal the action in
293 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

294 **Section 8. Repealer.**

295 This bill repeals:

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

297 **Severability not permitted.**

298 **Section 9. Effective Date.**

299 This bill takes effect on May 6, 2026.