

**Child Care Provider Food Preparation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tracy J. Miller**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill amends provisions related to food safety and sanitation for child care providers.

**Highlighted Provisions:**

This bill:

- exempts licensed child care providers from food service establishment regulations;
- authorizes the Department of Health and Human Services to make rules for licensed child care providers for food safety and sanitation;
- defines terms; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-2-403**, as renumbered and amended by Laws of Utah 2023, Chapter 305

**26B-7-401**, as last amended by Laws of Utah 2025, Chapter 487

**26B-7-411**, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-2-403** is amended to read:

**26B-2-403 . Licensure requirements -- Expiration -- Renewal.**

(1) As used in this section, "licensee" means a person licensed under Subsection (2).

(2) Except as provided in Section 26B-2-405, and subject to Subsection [(2)] (3), a person shall obtain a license from the department if:

- (a) the person provides center based child care for five or more qualifying children;
- (b) the person provides residential child care for nine or more qualifying children; or

(c) the person:

(i) provides child care;

(ii) is not required to obtain a license under Subsection ~~[(1)](a)~~ (2)(a) or (b); and

(iii) requests to be licensed.

~~[(2)]~~ (3) Notwithstanding Subsection ~~[(1)]~~ (2), a certified provider may, in accordance with rules made by the department under Subsection 26B-2-402(3), exceed the certified provider's capacity limit to provide after school child care without obtaining a license from the department.

~~[(3)]~~ (4) The department may issue licenses for a period not exceeding 24 months to child care providers who meet the requirements of:

(a) this part; and

(b) the department's rules governing child care programs.

(5)(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish health standards for a licensee, including for food preparation and sanitation.

(b) The rules established under this Subsection (5) relating to food safety and sanitation:

(i) shall be based on volume of food prepared and types of food preparation; and

(ii) may not be based on the number of children for whom the licensee provides child care.

(c) The department may:

(i) consult with local health departments in establishing the rules described in this Subsection (5); and

(ii) delegate inspection and enforcement of rules established under this Subsection (5) to local health departments.

~~[(4)]~~ (6) A license issued under this part is not assignable or transferable.

Section 2. Section **26B-7-401** is amended to read:

**26B-7-401 . Definitions.**

As used in this part:

(1) "Agritourism" means the same as that term is defined in Section 78B-4-512.

(2) "Agritourism activity" means the same as that term is defined in Section 78B-4-512.

(3) "Agritourism food establishment" means a non-commercial kitchen facility where food is handled, stored, or prepared to be offered for sale on a farm in connection with an agritourism activity.

(4) "Agritourism food establishment permit" means a permit issued by a local health

65 department to the operator for the purpose of operating an agritourism food  
66 establishment.

67 (5) "Back country food service establishment" means a federal or state licensed back  
68 country guiding or outfitting business that:

- 69 (a) provides food services; and
- 70 (b) meets department recognized federal or state food service safety regulations for food  
71 handlers.

72 (6) "Body art facility" means a facility where an individual practices or instructs:

- 73 (a) body piercing;
- 74 (b) branding;
- 75 (c) permanent cosmetics;
- 76 (d) scarification; or
- 77 (e) tattooing.

78 (7)(a) "Body piercing" means any method of piercing the skin or mucosa to place  
79 jewelry through the skin or mucosa.

80 (b) "Body piercing" does not include ear piercing.

81 (8) "Branding" means the process in which a mark is burned, with or without heated metal,  
82 into human tissue with the intention of leaving a permanent mark.

83 (9) "Certified food safety manager" means a manager of a food service establishment who:

- 84 (a) passes successfully a department-approved examination;
- 85 (b) successfully completes, every three years, renewal requirements established by  
86 department rule consistent with original certification requirements; and
- 87 (c) submits to the appropriate local health department the documentation required by  
88 Section 26B-7-412.

89 (10) "Ear piercing" means the puncturing of the lobe of the ear with piercing equipment to  
90 insert stud-and-clasp jewelry according to the directions provided by the piercing  
91 equipment's manufacturer.

92 (11) "Farm" means a working farm, ranch, or other commercial agricultural, aquacultural,  
93 horticultural, or forestry operation.

94 (12) "Food" means:

- 95 (a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or  
96 ingredient used or intended for use or for sale, in whole or in part, for human  
97 consumption; or
- 98 (b) chewing gum.

(13)(a) "Food service establishment" means any place or area within a business or organization where potentially hazardous foods, as defined by the department under Section 26B-7-410, are prepared and intended for individual portion service and consumption by the general public, whether the consumption is on or off the premises, and whether or not a fee is charged for the food.

(b) "Food service establishment" does not include a child care provider or program licensed under Chapter 2, Part 4, Child Care Licensing.

(14) "Microblading" means a procedure where a hand tool with a blade formed of tiny needles implants permanent or semi-permanent pigment, resembling hair, into the skin of the eyebrow area with fine and short strokes.

(15)(a) "Microenterprise home kitchen" means a non-commercial kitchen facility located in a private home and operated by a resident of the home where ready-to-eat food is handled, stored, prepared, or offered for sale.

(b) "Microenterprise home kitchen" does not include:

- (i) a catering operation;
- (ii) a cottage food operation;
- (iii) a food truck;
- (iv) an agritourism food establishment;
- (v) a bed and breakfast; or
- (vi) a residence-based group care facility.

(16) "Microenterprise home kitchen permit" means a permit issued by a local health department to the operator for the purpose of operating a microenterprise home kitchen.

(17)(a) "Permanent cosmetics" means a permanent or semi-permanent tattoo:

- (i) to the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation; and
- (ii) performed by an individual not licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(b) "Permanent cosmetics" includes permanent makeup, micropigmentation, micropigment implantation, microblading, dermagraphics, or cosmetic tattooing.

(18) "Ready-to-eat" means:

- (a) raw animal food that is cooked;
- (b) raw fruits and vegetables that are washed;
- (c) fruits and vegetables that are cooked for hot holding;
- (d) a time and temperature controlled food that is cooked to the temperature and time

required for the specific food in accordance with rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

(e) a bakery item for which further cooking is not required for food safety.

(19) "Scarification" means the process in which a mark is cut into human skin tissue with the intent of leaving a permanent mark.

(20) "Time and temperature controlled food" means food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

Section 3. Section **26B-7-411** is amended to read:

**26B-7-411 . Exemptions to food service establishment requirements.**

(1) As used in this section, "child care provider" means a child care provider or program licensed under Chapter 2, Part 4, Child Care Licensing.

(2) The following are not subject to the provisions of Section 26B-7-410:

(a) special events sponsored by municipal or nonprofit civic organizations, including food booths at school sporting events and little league athletic events and church functions;

(b) temporary event food services approved by a local health department;

(c) vendors and other food service establishments that serve only commercially prepackaged foods and beverages as defined by the department by rule;

(d) private homes not used as a commercial food service establishment;

(e) health care facilities licensed under Chapter 2, Part 2, Health Care Facility Licensing and Inspection;

(f) bed and breakfast establishments at which the only meal served is a continental breakfast as defined by the department by rule;

~~[(g) residential child care providers;]~~

~~[(h) child care providers and programs licensed under Chapter 2, Part 4, Child Care Licensing;]~~

~~[(i)] (g) back country food service establishments;~~

~~[(j)] (h) an event that is sponsored by a charitable organization, if, at the event, the organization:~~

~~(i) provides food to a disadvantaged group free of charge; and~~

~~(ii) complies with rules established by the department under Subsection [(3)] (5); and~~

~~[(k)] (i) a lowest risk or permitted food establishment category determined by a risk assessment evaluation established by the department by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

167 (3) Child care providers are not subject to the provisions of this part.

168 [~~(2)~~] (4) Nothing in this section may be construed as exempting a food service establishment  
169 described in Subsection [~~(1)~~] (2), or a child care provider, from any other applicable food  
170 safety laws of this state.

171 [~~(3)~~] (5) The department may establish additional requirements, in accordance with Title  
172 63G, Chapter 3, Utah Administrative Rulemaking Act, for charitable organizations  
173 providing food for free under Subsection [~~(1)~~](j)] (2)(h).

174 Section 4. **Effective Date.**

175 This bill takes effect on May 6, 2026.