

1 **Child Care Provider Food Preparation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor:

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

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

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

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

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

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

29 (a) the person provides center based child care for five or more qualifying children;

30 (b) the person provides residential child care for nine or more qualifying children; or

31 (c) the person:

32 (i) provides child care;

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

34 (iii) requests to be licensed.

35 [(2)] (3) Notwithstanding Subsection [(1)] (2), a certified provider may, in accordance with
36 rules made by the department under Subsection 26B-2-402(3), exceed the certified
37 provider's capacity limit to provide after school child care without obtaining a license
38 from the department.

39 [(3)] (4) The department may issue licenses for a period not exceeding 24 months to child
40 care providers who meet the requirements of:

41 (a) this part; and

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

43 (5)(a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah

44 Administrative Rulemaking Act, to establish health standards for a licensee,

45 including for food preparation and sanitation.

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

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

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

50 (c) The department may:

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

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

55 [(4)] (6) A license issued under this part is not assignable or transferable.

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

57 **26B-7-401 . Definitions.**

58 As used in this part:

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

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

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

64 (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.

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

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

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

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

112 (b) "Microenterprise home kitchen" does not include:
113 (i) a catering operation;
114 (ii) a cottage food operation;
115 (iii) a food truck;
116 (iv) an agritourism food establishment;
117 (v) a bed and breakfast; or
118 (vi) a residence-based group care facility.

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

121 (17)(a) "Permanent cosmetics" means a permanent or semi-permanent tattoo:
122 (i) to the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair
123 imitation, lash enhancement, or areola repigmentation; and
124 (ii) performed by an individual not licensed under Title 58, Chapter 67, Utah Medical
125 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

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

128 (18) "Ready-to-eat" means:
129 (a) raw animal food that is cooked;
130 (b) raw fruits and vegetables that are washed;
131 (c) fruits and vegetables that are cooked for hot holding;
132 (d) a time and temperature controlled food that is cooked to the temperature and time

133 required for the specific food in accordance with rules made by the department in
134 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
135 (e) a bakery item for which further cooking is not required for food safety.

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

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

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

141 **26B-7-411 . Exemptions to food service establishment requirements.**

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

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

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

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

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

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

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

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

156 [(g) residential child care providers;]

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

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

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

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

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

164 [(k)] (i) a lowest risk or permitted food establishment category determined by a risk
165 assessment evaluation established by the department by administrative rule adopted
166 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 [④] (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 [④(j)] (2)(h).

174 **Section 4. Effective Date.**

175 This bill takes effect on May 6, 2026.