

Tracy J. Miller proposes the following substitute bill:

Child Care Provider Food Preparation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tracy J. Miller

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▸ exempts child care food preparation kitchens from food service establishment regulations under certain circumstances;

▸ requires the Department of Health and Human Services, in collaboration with child care provider associations, to make rules for child care food preparation kitchens:

- for food safety and sanitation; and
- to qualify for certain exemptions; and

▸ defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26B-7-417, Utah Code Annotated 1953

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

Section 1. Section **26B-7-417** is enacted to read:

26B-7-417 . Special requirements for child care food preparation kitchens.

(1) As used in this section:

(a) "Center based child care" means the same as that term is defined in Section 26B-2-401.

(b) "Child care food preparation kitchen" means the kitchen in the center based child

- 30 care facility of a licensed provider:
- 31 (i) where food is prepared only for qualifying children in the care of the licensed
- 32 provider and the licensed provider's employees; and
- 33 (ii) that is not open to the public.
- 34 (c) "Child care provider association" means an association:
- 35 (i) that has functioned as a child care provider association in the state for at least
- 36 three years; and
- 37 (ii) that is affiliated with a national child care provider association.
- 38 (d) "Exempt kitchen" means a child care food preparation kitchen that meets the
- 39 requirements for exemption established by the department as described in Subsection
- 40 (2).
- 41 (e) "Food handler" means the same as that term is defined in Section 26B-7-413.
- 42 (f) "Food handler permit" means the same as that term is defined in Section 26B-7-413.
- 43 (g) "Licensed provider" means a person who holds a license from the department under
- 44 Section 26B-2-403.
- 45 (h) "Qualifying child" means the same as that term is defined in Section 26B-2-401.
- 46 (2)(a) In collaboration with representatives of each child care provider association in the
- 47 state, the department shall make rules in accordance with Title 63G, Chapter 3, Utah
- 48 Administrative Rulemaking Act, to establish:
- 49 (i) exemptions from this part and rules the department makes in accordance with this
- 50 part, for a child care food preparation kitchen; and
- 51 (ii) for an exempt kitchen, rules to establish sanitation and food safety requirements.
- 52 (b) The exemptions described in Subsection (2)(a)(i):
- 53 (i) shall be based on:
- 54 (A) volume of food prepared;
- 55 (B) type of food prepared;
- 56 (C) type of food preparation; and
- 57 (D) food storage; and
- 58 (ii) may not be based on the number of qualifying children for whom food is prepared
- 59 in the child care food preparation kitchen.
- 60 (3) Rules the department makes in accordance with this section may not require, in a child
- 61 care food preparation kitchen:
- 62 (a) that is an exempt kitchen, the use of:
- 63 (i) a commercial grade:

- 64 (A) dishwasher;
- 65 (B) oven, range, or hood;
- 66 (C) freezer; or
- 67 (D) refrigerator; or
- 68 (ii) a floor sink, if dishes are not stored in other sinks in the exempt kitchen;
- 69 (b) a certified food safety manager if every food handler has a food handler permit;
- 70 (c) a three compartment sink, if the child care food preparation kitchen:
 - 71 (i) does not prepare raw meat, raw fish, or raw poultry; and
 - 72 (ii) has a two compartment sink that is sanitized regularly; or
- 73 (d) a separate handwashing sink.

74 Section 2. **Effective Date.**

75 This bill takes effect on May 6, 2026.