



Sunset Review of Microenterprise Home Kitchen Permit Limitations

STATE OF UTAH
DIVISION OF DISEASE CONTROL AND PREVENTION
BUREAU OF EPIDEMIOLOGY
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To: Health and Human Services Interim Committee
From: Karl Hartman, Program Manager - Environmental Sanitation
Subject: Sunset Review of UCA 26-15c-104(3)

Is the statute necessary? Should it be allowed to sunset?

Subsection 26-15c-104(3), which is scheduled to be repealed on July 1, 2022, places a cap on the number of microenterprise home kitchen permits a local health department may issue, according to the size of the local health jurisdiction. It is our belief and understanding that Subsection 26-15c-104(3) was included in the Microenterprise Home Kitchen Act to provide the local health departments with time to develop regulatory processes and procedures for this new type of food sales industry, and to determine the scope of public interest and therefore the amount of local resources required to permit, inspect, investigate, and enforce microenterprise home kitchens, especially while simultaneously responding to the COVID-19 pandemic.

The Department of Health has developed a Microenterprise Home Kitchen Sanitation Rule, as required in Subsection 26-15c-105(2), but the rule is in a public comment period and has not yet been enacted. Thus, the local health departments have not yet been able to move forward in determining the scope of public interest, or in the development of applicable regulatory policy. Also, the COVID-19 pandemic continues to draw local health officials away from their typical duties for a percentage of their time.

Is the program accomplishing its objective? Should it be extended?

Given these considerations, **DOH recommends that Subsection 26-15c-104(3) be reauthorized until July 1, 2024** to allow the Administrative Rules to be finalized and provide the local health departments with an additional two years to prepare for and adapt to the demands of regulating a new industry before the microenterprise home kitchen permit cap is repealed.