

- 32 (1) As used in this section:
- 33 (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.
- 34 (b) "Foodborne illness outbreak" means the occurrence of two or more cases from
- 35 different households of a similar illness resulting from the ingestion of a common
- 36 food.
- 37 [~~(b)~~] (c) "Raw milk product" means any product produced from raw milk.
- 38 [~~(c)~~] (d) "Self-owned retail store" means a retail store:
- 39 (i) of which the producer owns at least 51% of the value of the real property and
- 40 tangible personal property used in the operations of the retail store; or
- 41 (ii) for which the producer has the power to vote at least 51% of any class of voting
- 42 shares or ownership interest in the business entity that operates the retail store.
- 43 (2) Except as provided in Subsection (5), a raw milk product may be manufactured,
- 44 distributed, sold, delivered, held, stored, or offered for sale if:
- 45 (a) the producer obtains a permit from the department to produce the raw milk product
- 46 under Subsection 4-3-301(6);
- 47 (b) the sale and delivery of the raw milk product is made upon the premises where the
- 48 raw milk product is produced, except as provided by Subsection (3);
- 49 (c) the raw milk product is sold to consumers for household use and not for resale;
- 50 (d) the raw milk product is bottled or packaged under sanitary conditions and in sanitary
- 51 containers on the premises where the raw milk product is produced;
- 52 (e) the raw milk product is labeled "raw milk product" and meets the labeling
- 53 requirements under 21 C.F.R. Parts 101 and 131 and rules established by the
- 54 department;
- 55 (f) the raw milk used to produce the raw milk product is:
- 56 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after
- 57 being drawn from the animal;
- 58 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the
- 59 animal; and
- 60 (iii) maintained at 41 degrees Fahrenheit or a lower temperature until the raw milk is
- 61 delivered to the consumer or used to produce the raw milk product;
- 62 (g) the bacterial count of the raw milk used to produce the raw milk product does not
- 63 exceed 20,000 colony forming units per milliliter;
- 64 (h) the coliform count of the raw milk used to produce the raw milk product does not
- 65 exceed 10 colony forming units per milliliter;

- 66 (i) the production of the raw milk product conforms to departmental rules for the
67 production of grade A milk products;
- 68 (j) the dairy animals on the premises are:
- 69 (i) permanently and individually identifiable; and
70 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk; and
- 71 (k) any [person] individual on the premises performing any work in connection with the
72 production, bottling, packaging, handling, or sale of the raw milk product is free from
73 communicable disease.
- 74 (3) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product
75 at a self-owned retail store, that is properly staffed, or from a mobile unit where the raw
76 milk product is maintained through mechanical refrigeration at 41 degrees Fahrenheit or
77 a lower temperature, if, in addition to the requirements of Subsection (2), the producer:
- 78 (a) transports the raw milk product from the premises where the raw milk product is
79 produced to the self-owned retail store in a refrigerated truck where the raw milk
80 product is maintained at 41 degrees Fahrenheit or a lower temperature;
- 81 (b) retains ownership of the raw milk product until it is sold to the final consumer,
82 including transporting the raw milk product from the premises where the raw milk
83 product is produced to the self-owned retail store without any:
- 84 (i) intervening storage;
85 (ii) change of ownership; or
86 (iii) loss of physical control;
- 87 (c) stores the raw milk product at 41 degrees Fahrenheit or a lower temperature in a
88 display case equipped with a properly calibrated thermometer at the self-owned retail
89 store;
- 90 (d) places a sign above each display case that contains a raw milk product at the
91 self-owned retail store that:
- 92 (i) is prominent;
93 (ii) is easily readable by a consumer;
94 (iii) reads in print that is no smaller than .5 inch in bold type, "This milk product is
95 raw and unpasteurized. Please keep refrigerated."; and
96 (iv) meets any other requirement established by the department by rule;
- 97 (e) labels the raw milk product with:
- 98 (i) a date, no more than nine days after the raw milk product is produced, by which
99 the raw milk product should be sold;

- 100 (ii) the statement "Raw milk products, no matter how carefully produced, may be
101 unsafe.";
- 102 (iii) handling instructions to preserve quality and avoid contamination or spoilage;
103 (iv) a specific colored label as determined by the department by rule; and
104 (v) any other information required by rule;
- 105 (f) refrains from offering the raw milk product for sale until:
- 106 (i) the department or a third party certified by the department tests each batch of raw
107 milk used to produce a raw milk product for standard plate count and coliform
108 count; and
- 109 (ii) the test results meet the minimum standards established for those tests;
- 110 (g)(i) maintains a database of the raw milk product sales; and
111 (ii) makes the database available to the Department of Health and Human Services
112 during the self-owned retail store's business hours for purposes of epidemiological
113 investigation;
- 114 (h) ensures that the plant and retail store complies with Chapter 5, Utah Wholesome
115 Food Act, and the rules governing food establishments enacted under Section 4-5-301;
116 and
- 117 (i) complies with the applicable rules adopted as authorized by this chapter.
- 118 (4) A producer may distribute, sell, deliver, hold, store, or offer for sale a raw milk product
119 and pasteurized milk at the same self-owned retail store if:
- 120 (a) the self-owned retail store is properly staffed; and
121 (b) the producer:
- 122 (i) meets the requirements of Subsections (2) and (3);
123 (ii) operates the self-owned retail store on the same property where the raw milk
124 product is produced; and
125 (iii) maintains separate, labeled, refrigerated display cases for raw milk products and
126 pasteurized milk.
- 127 (5) A producer may, without meeting the requirements of Subsection (2), sell up to 120
128 gallons of raw milk per month if:
- 129 (a) the sale is directly to an end consumer, for household use and not for resale;
130 (b) the sale and delivery of the raw milk is made upon the premises where the raw milk
131 is produced;
- 132 (c) the producer labels the raw milk with:
- 133 (i) the producer's name and address;

- 134 (ii) a date, no more than nine days after the raw milk is produced, by which the raw
135 milk should be sold;
- 136 (iii) the statement "This raw milk has not been licensed or inspected by the state of
137 Utah. Raw milk, no matter how carefully produced, may be unsafe."; and
- 138 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
- 139 (d) the raw milk is:
- 140 (i) cooled to 50 degrees Fahrenheit or a lower temperature within one hour after
141 being drawn from the animal; and
- 142 (ii) further cooled to 41 degrees Fahrenheit within two hours of being drawn from the
143 animal;
- 144 (e) the producer conducts a monthly test ensuring the coliform count of the raw milk
145 does not exceed 10 colony-forming units per milliliter;
- 146 (f) the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and
147 other diseases carried through milk;
- 148 (g) the producer maintains records of tests and sales for a minimum of two years; and
- 149 (h) the producer notifies the department of the producer's intent to sell raw milk pursuant
150 to this Subsection (5) and includes in the notification the producer's name and address.
- 151 (6) A person who conducts a test required by Subsection (3) shall send a copy of the test
152 results to the department as soon as the test results are available.
- 153 (7)(a) The department shall ~~adopt~~ make rules, as authorized by Section 4-3-201 and in
154 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
155 governing the sale of raw milk products at a self-owned retail store.
- 156 (b) The rules adopted by the department shall include rules regarding:
- 157 (i) permits;
- 158 (ii) building and premises requirements;
- 159 (iii) sanitation and operating requirements, including bulk milk tanks requirements;
- 160 (iv) additional tests;
- 161 (v) use of a third-party testing laboratory within or outside of the state;
- 162 ~~(v)~~ (vi) frequency of inspections, including random cooler checks;
- 163 ~~(vi)~~ (vii) recordkeeping; and
- 164 ~~(vii)~~ (viii) packaging and labeling.
- 165 (c) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
166 Administrative Rulemaking Act, regarding the standards of identity for a raw milk
167 product.

- 168 (d)(i) The department shall establish and collect a fee for the tests and inspections
169 required by this section and by rule in accordance with Section 63J-1-504.
- 170 (ii) Notwithstanding Section 63J-1-504, the department shall retain the fees as
171 dedicated credits and may only use the fees to administer and enforce this section.
- 172 (8)(a) The department shall suspend a permit issued under Section 4-3-301 if:
- 173 (i) two out of four consecutive samples or two samples in a 30-day period violate
174 sample limits established under this section; or
- 175 (ii) a producer violates this section or a rule adopted as authorized by this section.
- 176 (b) The department may reissue a permit that has been suspended under Subsection (8)(a)
177 if the producer has:
- 178 (i) obtained a sample result that meets the standards described in Subsections (2)(g)
179 and (h); and
- 180 (ii) complied with all of the requirements of this section and rules adopted as
181 authorized by this section.
- 182 (9)(a) If any subsection of this section or the application of any subsection to any person
183 or circumstance is held invalid by a final decision of a court of competent
184 jurisdiction, the remainder of the section may not be given effect without the invalid
185 subsection or application.
- 186 (b) The provisions of this section may not be severed.
- 187 (10)(a) Nothing in this chapter shall be construed to impede the Department of Health
188 and Human Services or the [Department of Agriculture and Food] department in
189 investigation of a foodborne illness outbreak.
- 190 (b) Notwithstanding Subsection (10)(a), if the Department of Health and Human
191 Services or the department uses a survey to determine whether there is a foodborne
192 illness outbreak related to a raw milk product, the survey shall include questions
193 about the recent eating of poultry, whether an individual has a pet, and questions that
194 probe the common sources of foodborne illness.
- 195 (11)(a) The department shall issue a cease and desist order to a producer linked to a
196 foodborne illness [and shall stop sale of a raw milk product currently being sold.]
197 outbreak prohibiting the sale of the raw milk product pending further testing.
- 198 (b) A producer who receives a cease and desist order from the department shall stop the
199 sale of the raw milk product named in the cease and desist order.
- 200 (c) To positively link a producer to a foodborne illness outbreak, the Department of
201 Health and Human Services or the department shall produce evidence required in

- 202 Subsection (11)(g) that the foodborne illness outbreak originated with the producer's
203 raw milk product.
- 204 (d) The department shall collect a sample within two business days of issuing a cease
205 and desist order.
- 206 (e) The time between the drawing of the sample under Subsection (11)(d) and the
207 issuance of genome sequencing test results may not exceed five working days.
- 208 (f) Upon the producer's request, the sample drawn under Subsection (11)(d) shall be
209 analyzed by two laboratories.
- 210 (g) The department shall notify a producer that the department has linked the producer to
211 a foodborne illness outbreak with a positive genome sequencing test, before publicly
212 sharing the producer's name or identifying information.
- 213 (12) Upon written request by a producer with a suspended permit as described in
214 Subsection (8), the department shall provide to the producer:
- 215 (a) a positive genome sequencing test result within one business day of result
216 availability to the department; and
- 217 (b) information on how to request a hearing regarding the department's decision to
218 suspend the permit.
- 219 (13) Upon written request by a producer linked to a foodborne illness outbreak as described
220 in Subsection (11), the department shall provide to the producer:
- 221 (a) evidence that the department used to link the producer to a foodborne illness
222 outbreak with patient identifying information redacted; and
- 223 (b) information on how to request a hearing regarding the department's decision to issue
224 the cease and desist order.
- 225 ~~(12)~~ (14)(a) The cease and desist order described in Subsection (11) shall remain in
226 effect until the department verifies that the producer:
- 227 ~~(a)~~ (i) adheres to this section; and
- 228 ~~(b)~~ (ii) has three consecutive [clean] pathogen free tests of the raw milk product.
- 229 (b) The department shall ensure that the three tests described in Subsection (14)(a)(ii)
230 are taken over a period of no more than 10 business days, each test taken at least one
231 day apart.
- 232 ~~(13)~~ (15) [In addition to Subsections (11) and (12), if a producer's raw milk product has
233 been linked to a foodborne illness outbreak,]
- 234 (a) If the Department of Health and Human Services or the department links a producer's
235 raw milk product to a foodborne illness outbreak and the department finds that the

236 producer has violated the applicable provisions of this section, the department may
237 impose upon the producer the following administrative penalties:
238 [~~(a)~~] (i) upon the first violation, a penalty of no more than \$300;
239 [~~(b)~~] (ii) upon a second violation, a penalty of no more than \$750; and
240 [~~(c)~~] (iii) upon a third or subsequent violation a penalty of no more than \$1,500.
241 (b) The department may impose the penalties described in Subsection (15)(a) in addition
242 to issuing a cease and desist order.

243 Section 2. **Effective date.**

244 This bill takes effect on May 7, 2025.

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