



Date: February 3, 2025 | Policy Analyst: Julie Humberstone | Prepared For: Rep. Acton

H.B. 414: Raw Milk Amendments

Utah Code Section [4-3-503](#) requires a producer of a raw milk product to obtain a permit from the Utah Department of Agriculture (UDAF). The section also describes the circumstances under which UDAF suspends a permit or issues a cease and desist order. [H.B. 414](#), Raw Milk Amendments, would enact additional standards related to the suspension of a permit and the issuance and removal of a cease and desist order.

Key Points

- Specifies sample limit standards a producer must meet for permit reinstatement (line 180).
- Requires UDAF to provide information on requesting a hearing when a permit is suspended (line 184).
- Requires UDAF to produce evidence linking a producer to a foodborne illness outbreak (line 205).
- Requires a producer linked to an outbreak to notify customers (line 209).
- Specifies sample testing requirements, including timelines, UDAF must meet when issuing a cease and desist order (line 213).
- Describes circumstances under which UDAF may publicly identify a producer as the source of an outbreak (line 228).
- Specifies conditions that must be met for removal of a cease and desist order (line 232).

Permit Suspension

Current Statute

Utah Code Section [4-3-503](#) requires the Utah Department of Agriculture (UDAF) to suspend a raw milk permit if a producer violates the section, violates a rule adopted as authorized by the section, or if two of four consecutive samples (or two samples in a 30-day period) collected from the producer by UDAF violate the sample limits established in statute for bacterial count or coliform count. UDAF may reissue a suspended permit when the producer complies with all requirements in statute and rule.

H.B. 414

H.B. 414 adds two provisions related to a suspended permit:

- Specifies that a producer must obtain a sample result that meets the statutory sample limits for bacterial count and coliform count before a permit may be reissued.
- Requires UDAF to provide information on how to request a hearing regarding a permit suspension, upon written request by the producer with a suspended permit.

Cease and Desist Order

Current Statute

The Department of Health and Human Services (DHHS) investigates foodborne illness outbreaks. If a raw milk product producer is linked to a foodborne illness outbreak, Utah Code Section [4-3-503](#) requires UDAF to issue a cease and desist order to the producer and stop the producer's sale of the raw milk product. The cease and desist order remains in effect until UDAF verifies the producer complies with all statutory requirements and has three consecutive "clean" tests of the raw milk product.

H.B. 414

If DHHS uses a survey to determine whether a raw milk product is the source of an outbreak, H.B. 414 requires the survey to include questions that probe common sources of the implicated pathogen. H.B. 414 also provides additional standards related to sample testing and the issuance and removal of a cease and desist order:

After receiving a cease and desist order, a producer must:

- Stop the sale of the raw milk product named in the cease and desist order.
- Notify people who purchased raw milk products from the implicated contaminated batch.

After issuing a cease and desist order based on DHHS evidence, UDAF must:

- Collect a sample from the producer within two working days of issuing the cease and desist order to submit for:
 - Pathogen testing; and
 - Whole genome sequencing testing, if the UDAF wants to publicly disclose a producer's name or identifying information.
- Have the sample analyzed by two laboratories, if requested by the producer.
 - The producer pays the costs of the second laboratory.
 - The producer selects the second laboratory from a list of UDAF approved laboratories.
 - UDAF must adopt rules regarding third-party testing laboratories.

If UDAF submits the sample for whole genome sequencing testing, UDAF must:

- Notify the producer within 15 working days of collecting the sample of whole genome sequencing testing results, or notify the producer, in writing, that UDAF requires additional time to provide the testing results.
- Notify the producer that UDAF has linked the producer to a foodborne illness outbreak based on the whole genome sequencing test results before publicly disclosing a producer's name or identifying information.

A cease and desist order remains in effect until UDAF:

- Verifies the producer adheres to Section 4-3-503.
- Verifies at least **one** of the following requirements is met:
 - The producer has three consecutive tests of the raw milk product that meet the statutory sample limits for bacterial count and coliform count.
 - UDAF must collect each test sample within two working days of the producer's request.
 - The results of a whole genome sequencing test demonstrates that the producer's raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease and desist order.

UDAF must notify the producer that the cease and desist order is not in effect within one working day of the conditions for removal of the cease and desist order being met.