Effective 7/1/2017

Chapter 1
General Provisions

4-1-102 Construction.

This title shall be liberally construed and applied to promote and carry out its policies and purposes.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-103 Principles of law and equity applicable.

Unless displaced by the particular provisions of this code, the principles of law and equity supplement the provisions of this title.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-104 Procedures -- Adjudicative proceedings.

The Department of Agriculture and Food and the department's divisions shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-105 Code enforcement -- Inspection authorized -- Condemnation or seizure -- Injunctive relief -- Costs awarded -- County or district attorney to represent state -- Criminal actions -- Witness fee.

(1) To enforce a provision in this title, the department may:
  (a) enter, at reasonable times, and inspect a public or private premises where an agricultural product is located; and
  (b) obtain a sample of an agricultural product at no charge to the department, unless otherwise specified in this title.
(2) The department may proceed immediately, if admittance is refused, to obtain an ex parte warrant from the nearest court of competent jurisdiction to allow entry to the premises to inspect or obtain a sample.
(3)
  (a) The department is authorized in a court of competent jurisdiction to:
    (i) seek an order of seizure or condemnation of an agricultural product that violates this title; or
    (ii) upon proper grounds, obtain a temporary restraining order or temporary or permanent injunction to prevent violation of this title.
  (b) The court may not require a bond of the department in an injunctive proceeding brought under this section.
(4)
  (a) If the court orders condemnation, the department shall dispose of the agricultural product as the court directs.
  (b) The court may not order condemnation without giving the claimant of the agricultural product an opportunity to apply to the court for permission to:
    (i) bring the agricultural product into conformance; or
    (ii) remove the agricultural product from the state.

(5) If the department prevails in an action authorized by Subsection (3)(a), the court shall award court costs, fees, storage, and other costs to the department.
(6)
(a) Unless otherwise specifically provided by this title, the county attorney of the county in which the product is located or the act is committed shall represent the department in an action commenced under authority of this section.
(b) The attorney general shall represent the department in an action to enforce:
(i) Chapter 3, Utah Dairy Act; or
(ii) Chapter 5, Utah Wholesome Food Act.
(7)
(a) In a criminal action brought by the department for violation of this title, the county attorney or district attorney in the county in which the alleged criminal activity occurs shall represent the state.
(b) Before the department pursues a criminal action, the department shall first give to the person the department intends to have charged:
(i) written notice of the department's intent to file criminal charges; and
(ii) an opportunity to present, personally or through counsel, the person's views with respect to the contemplated action.
(8) A witness subpoenaed by the department for whatever purpose is entitled to:
(a) a witness fee for each day of required attendance at a proceeding initiated by the department; and
(b) mileage in accordance with the fees and mileage allowed a witness appearing in a district court of this state.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-106 Suspension or revocation of license or registration -- Judicial review -- Attorney general to represent department.
(1) If the department has reason to believe that a licensee or registrant is or has engaged in conduct that violates this title, the department shall issue and serve a notice of agency action.
(2) The commissioner, or the hearing officer designated by the commissioner, may suspend or revoke a person's license or registration if the commissioner or hearing officer finds by a preponderance of the evidence that the person is engaging, or has engaged, in conduct that violates this title.
(3)
(a) Any person whose registration or license is suspended or revoked under this section may obtain judicial review.
(b) Venue for judicial review of informal adjudicative proceedings is in the district court in the county where the alleged acts giving rise to the suspension or revocation occurred.
(4) The attorney general shall represent the department in any original action or appeal commenced under this section.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-107 Fees and late charges.
(1) If an annual registration, license, or other fee is imposed under any chapter of this title, it shall be determined by the department pursuant to Subsection 4-2-103(2).

(2) If the renewal of the registration or license is conditioned upon the payment of a renewal fee on or before a specified date, the department shall charge and collect the renewal fee and a late fee on any license or registration that is renewed after the date specified for renewal in the applicable chapter.
(3) The renewal fee and late fee shall be determined by the department pursuant to Subsection 4-2-103(2).

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-108 Severability clause.

If any provision of this title, or the application of any provision to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this title that can be given effect without the invalid provision or application, and to this end the provisions of this title are declared to be severable.

Renumbered and Amended by Chapter 345, 2017 General Session

4-1-109 General definitions.

As used in this title:
(1) "Agricultural product" or "product of agriculture" means any product that is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.
(2) "Agriculture" means the science and art of the production of plants and animals useful to man, including the preparation of plants and animals for human use and disposal by marketing or otherwise.
(3) "Commissioner" means the commissioner of agriculture and food.
(4) "Department" means the Department of Agriculture and Food created in Chapter 2, Administration.
(5) "Dietary supplement" means the same as that term is defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.
(6) "DOD civilian" means the same as that term is defined in Section 53H-11-202.
(7) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.
(8) "Local food" means an agricultural product or livestock that is:
(a) produced, processed, and distributed for sale or consumption within the state; and
(b) sold to an end consumer within the state.
(9) "Organization" means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
(10) "Person" means a natural person or individual, corporation, organization, or other legal entity.

Amended by Chapter 9, 2025 Special Session 1

4-1-110 Growing or storing food for personal or family use.

(1) As used in this section, "family food" means food owned by an individual that is intended for the individual's consumption, or for consumption by members of the individual's immediate family, that:
(a) is legal for human consumption;

(b) is lawfully possessed; and
(c) poses no risk:
(i) to health;
(ii) of spreading plant pest infestation; or
(iii) of spreading agricultural disease.
(2) Family food that is grown by an individual on the individual's property is not subject to local or federal regulation if growth of the family food:
(a) does not negatively impact the rights of adjoining property owners; and
(b) complies with the food safety requirements of this title.
(3) A government entity may not confiscate family food described in Subsection (2) or family food that is stored by the owner in the owner's home or dwelling.
(4)
(a) If any provision of this section or the application of any provision of this section to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this section shall be given effect without the invalid provision or application.
(b) The provisions of this section are severable.

Amended by Chapter 326, 2020 General Session

4-1-111 Exemptions from licensure.

Except as otherwise provided by statute or rule, the following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:
(1) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;
(2) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
(3) the spouse of an individual serving in the armed forces of the United States or the spouse of a DOD civilian while the individual or DOD civilian is stationed within this state, if:
(a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and
(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

Amended by Chapter 438, 2025 General Session

4-1-112 License by endorsement.

(1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of a profession regulated under this title.
(2) Subject to Subsections (4) through (7), the department shall issue a license to an applicant who has been licensed in another state, district, or territory of the United States if:
(a) the department determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the license sought in this state;

(b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
(c) the applicant's license is in good standing in the other state, district, or territory.
(3) Subject to Subsections (4) through (7), the department may issue a license to an applicant who:
(a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i)
(A) the department determines that the applicant's education, experience, and skills demonstrate competency in the profession for which licensure is sought in this state; and
(B) under the license issued in the other state, district, territory, or jurisdiction, the applicant has at least one year of experience or a lesser minimum amount of experience established by the department; or
(ii) the department determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the license sought in this state; or
(b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
(i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
(ii) the department determines that the education or experience was substantially similar to the education or experience requirements for the license sought in this state.
(4) The department may refuse to issue a license to an applicant under this section if:
(a) the department determines that there is reasonable cause to believe that the applicant is not qualified to receive the license in this state; or
(b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
(5) Before the department issues a license to an applicant under this section, the applicant shall:
(a) pay a fee determined by the department under Section 63J-1-504; and
(b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the profession for which licensure is sought in this state.
(6) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.
(7) This section is subject to and may be supplemented or altered by licensure endorsement provisions or multistate licensure compacts in specific chapters of this title.

Amended by Chapter 104, 2024 General Session