

Effective 5/3/2023

4-5-501 Cottage food operations.

- (1) For purposes of this chapter:
 - (a) "Cottage food operation" means a person who produces a cottage food product in a home kitchen .
 - (b) "Cottage food product" means a nonpotentially hazardous baked good, jam, jelly, or other nonpotentially hazardous food produced in a home kitchen.
 - (c) "Home kitchen" means a kitchen:
 - (i) designed and intended for use by the residents of a home; and
 - (ii) used by a resident of the home for the production of a cottage food product.
 - (d) "Potentially hazardous food" means:
 - (i) a food of animal origin;
 - (ii) raw seed sprouts; or
 - (iii) a food that requires time or temperature control, or both, for safety to limit pathogenic microorganism growth or toxin formation, as identified by the department in rule.
- (2) The department shall adopt rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to protect public health and ensure a safe food supply.
- (3) Rules adopted pursuant to Subsection (2) may not require:
 - (a) the use of a commercial surface such as a stainless steel counter or cabinet;
 - (b) the use of a commercial grade:
 - (i) sink;
 - (ii) dishwasher; or
 - (iii) oven;
 - (c) a separate kitchen for the cottage food operation; or
 - (d) the submission of plans and specifications before construction of, or remodel of, a cottage food production operation.
- (4) The operator of a cottage food operation shall:
 - (a) register with the department as a cottage food operation before operating as a cottage food operation;
 - (b) hold a valid food handler's permit; and
 - (c) package a cottage food product with a label, as specified by the department in rule.
- (5) Notwithstanding the provisions of Subsections 4-5-301(1)(a) and (c), the department shall issue a registration to an applicant for a cottage food operation if the applicant for the registration:
 - (a) pays the fees required by the department; and
 - (b) meets the requirements of this section.
- (6) Notwithstanding the provisions of Section 26A-1-114, a local health department:
 - (a) does not have jurisdiction to regulate the production of food at a cottage food operation operating in compliance with this section, as long as the products are not offered to the public for consumption on the premises; and
 - (b) does have jurisdiction to investigate a cottage food operation in an investigation into the cause of a foodborne illness outbreak.
- (7) A food service establishment as defined in Section 26B-7-401 may not use a product produced in a cottage food operation as an ingredient in a food that is prepared by the food establishment and offered by the food establishment to the public for consumption.

Amended by Chapter 327, 2023 General Session