

Effective 5/6/2026

4-5a-104 Home producer direct sales -- Exempt from regulation.

- (1) A producer is exempt from state, county, or city licensing, permitting, certification, inspection, packaging, and labeling requirements, except as described in this section, related to the preparation, serving, use, consumption, or storage of food and food products if:
 - (a) the producer complies with the requirements of this chapter; and
 - (b) the homemade food or homemade food product is:
 - (i) produced and sold within the state;
 - (ii) sold directly to an informed final consumer;
 - (iii) for personal or home consumption; and
 - (iv) not exempted under Subsection 4-5a-105(1).
- (2) Notwithstanding Subsection (1), a producer shall comply with business license requirements in accordance with Section 10-1-203.
- (3) Except as provided in Subsection (7), food or food products sold under this section shall be labeled with:
 - (a) the producer's name and address;
 - (b) a disclosure statement indicating that the product is:
 - (i) not for resale; and
 - (ii) processed and prepared without state or local inspection; and
 - (c) a statement listing whether the food or food product contains, or was prepared in a location that also handles, common allergens including milk, soy, wheat, eggs, peanuts or tree nuts, fish, or shellfish.
- (4)
 - (a) If a producer meets the requirements of this section, the producer or producer's designated representative may distribute, sell, deliver, hold, store, or offer for sale a homemade food or homemade food product directly to an informed final consumer at a direct-to-sale location.
 - (b) A producer retains ownership for a homemade food or homemade food product distributed, sold, delivered, held, stored, or offered for sale by a designated representative unless the producer and the designated representative agree to share or transfer ownership.
- (5)
 - (a) Except as provided in Subsection (5)(b), homemade food or a homemade food product that is exempt from certain regulations as described in this chapter may not be sold to, or used by, a restaurant or commercial establishment.
 - (b) A producer may sell a raw, unprocessed fruit or vegetable to a restaurant or commercial establishment.
- (6) A producer selling homemade food or homemade food products exempt under this section shall inform the final consumer that the food or food product is not certified, licensed, regulated, or inspected by the state or any county or city.
- (7) The requirements described in Subsection (3) do not apply to a direct sale by a home producer comprising only minor producers.

Amended by Chapter 433, 2026 General Session