

Effective 5/6/2026

4-5a-102 Definitions.

For purposes of this chapter:

- (1)
 - (a) "Commercial establishment" means a wholesale or retail business that displays, sells, manufactures, processes, packs, holds, or stores food, drugs, devices, or cosmetics.
 - (b) "Commercial establishment" does not include a:
 - (i) direct-to-sale location; or
 - (ii) direct-to-sale farmers market.
- (2) "Designated representative" means a person contracted by a producer to distribute, sell, deliver, hold, store, or offer for sale the producer's homemade food product.
- (3) "Direct-to-sale farmers market" means a public or private facility or area where producers gather on a regular basis to sell directly to an informed final consumer fresh food, locally grown products, and other food items that have not been certified, licensed, regulated, or inspected by state or local authorities.
- (4) "Direct-to-sale location" means a farm, ranch, direct-to-sale farmers market, home, office, or any location agreed upon by both a producer or a producer's designated representative and the informed final consumer where a producer or group of producers sells a food or food product to an informed final consumer.
- (5) "Home consumption" means the use or ingestion of homemade food or a homemade food product within a private home by a family member, an employee, or a nonpaying guest.
- (6) "Homemade food product" means a food product that is prepared in a private home kitchen that can be used, or prepared for use, as food or nonalcoholic drink, subject to the limitation described in Subsection 4-5a-105(1).
- (7) "Informed final consumer" means an individual who:
 - (a) purchases the product directly from the producer or the producer's designated representative;
 - (b) does not resell the product; and
 - (c) has been informed that the product is not certified, licensed, regulated, or inspected by the state.
- (8) "Minor-operated business" means a business that is operated by an individual who is:
 - (a) under 18 years old; and
 - (b) not regularly engaged in selling items.
- (9) "Minor producer" means a producer that is:
 - (a) an individual; and
 - (b) under 18 years old.
- (10) "Producer" means a person who harvests or produces homemade food or a homemade food product.

Amended by Chapter 433, 2026 General Session