

Effective 5/8/2018

Chapter 5a Home Consumption and Homemade Food Act

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

4-5a-103 Regulation of a direct-to-sale farmers market.

- (1) Except as provided in Subsection (3), a direct-to-sale farmers market selling a homemade food product under this chapter shall only include products for sale that have not been certified, licensed, regulated, or inspected by a state or local authority.

- (2) If a direct-to-sale farmers market is in any way associated with a farmers market, as that term is defined in Section 4-5-102, the area designed for the direct-to-sale farmers market shall:
 - (a) be separated from the area designated for the farmers market; and
 - (b) include signs or other markings clearly indicating the area designated for the farmers market and the area designated for the direct-to-sale farmers market.
- (3) The requirement described in Subsection (1) does not apply to a direct-to-sale farmers market comprising only minor producers or minor-operated businesses.

Amended by Chapter 433, 2026 General Session

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

4-5a-105 Limitations.

- (1) This chapter does not apply to the sale of:
- (a) raw dairy or raw dairy products; or
 - (b) meat products, with the following exceptions:
 - (i) the sale of poultry and poultry products if the producer:
 - (A) slaughters no more than 1,000 birds per year in accordance with the United States Department of Agriculture 1,000 bird exemption; and
 - (B) follows the United States Department of Agriculture's, Food Safety and Inspection Service document titled "Guidance for Determining Whether A Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act"; and
 - (ii) the sale of domesticated rabbit meat, pending approval from the United States Department of Agriculture that the state's role in meat inspection is preserved.
- (2) Nothing in this chapter:
- (a) means that the department relinquishes its authority to administer the state's program at a standard level at least equal to the standards imposed under the Federal Meat and Poultry Products Inspection Act;
 - (b) shall be construed to impede the Department of Health in an investigation of foodborne illness;
 - (c) prohibits a state agency from providing assistance, consulting, or inspecting when requested by a producer; or
 - (d) affects the authority of the Department of Health or the Department of Agriculture and Food to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing, regulation, or inspection as described in this chapter.
- (3) The department may not, by rule, impose an additional limit, requirement, or restriction on a producer selling food or a food product under this chapter.

Enacted by Chapter 377, 2018 General Session