

FOOD SHOPPING HISTORY REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows certain government agencies to obtain records related to a customer's shopping history from food establishments.

Highlighted Provisions:

This bill:

▶ allows the Department of Agriculture and Food, the Department of Health and Human Services, and local health departments to obtain records related to a customer's shopping history.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-5-105, as last amended by Laws of Utah 2019, Chapter 32

26-15-9, as enacted by Laws of Utah 1981, Chapter 126

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-5-105** is amended to read:

4-5-105. Inspection of premises and records -- Authority to take samples --



28 **Inspection results reported.**

29 (1) An authorized agent of the department, upon presenting appropriate credentials to
30 the owner, operator, or agent in charge, may:

31 (a) enter at reasonable times a factory, farm, warehouse, or establishment in which
32 food is manufactured, processed, packed, or held for introduction into commerce or after
33 introduction into commerce;

34 (b) enter a vehicle being used to transport or hold food in commerce;

35 (c) inspect at reasonable times and within reasonable limits and in a reasonable manner
36 a factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and
37 unfinished materials, containers, and labeling located within the factory, warehouse,
38 establishment, or vehicle;

39 (d) obtain samples necessary for the enforcement of this chapter if the department:

40 (i) pays the posted price for the sample if requested to do so; and

41 (ii) receives a signed receipt from the person from whom the sample is taken; and

42 (e) have access to and copy all records;

43 (i) related to customer shopping histories from food establishments that track an
44 individual's shopping history; and

45 (ii) of carriers in commerce showing:

46 [(†)] (A) the movement in commerce of food;

47 [(††)] (B) the holding of food during or after movement in commerce; and

48 [(†††)] (C) the quantity, shipper, and consignee of food.

49 (2) Evidence obtained under this section may not be used in a criminal prosecution of
50 the person from whom the evidence was obtained.

51 (3) A carrier is subject to the other provisions of this chapter by reason of the carrier's
52 receipt, carriage, holding, or delivery of food in the usual course of business as a carrier.

53 (4) After the inspection of a factory, warehouse, consulting laboratory, or other
54 establishment and before leaving the premises, the authorized agent making the inspection
55 shall give the owner, operator, or agent in charge a written report describing any conditions or
56 practices observed by the agent during the inspection which, in the agent's judgment, indicate
57 that a food in the establishment:

58 (a) consists in whole or in part of a filthy, putrid, or decomposed substance; or

59 (b) has been prepared, packed, or held under unsanitary conditions whereby the food
60 may have become contaminated with filth or been rendered injurious to health.

61 (5) A copy of the report required under Subsection (4) shall be sent promptly to the
62 department.

63 (6) If the authorized agent making the inspection of a factory, warehouse, or other
64 establishment has obtained a sample in the course of the inspection, the agent shall give to the
65 owner, operator, or agent in charge:

66 (a) a receipt describing the samples obtained; and

67 (b) if an analysis is made of the sample for the purpose of ascertaining whether the
68 food consists in whole or in part of a filthy, putrid, or decomposed substance or is otherwise
69 unfit for food, a copy of the results of the analysis.

70 Section 2. Section **26-15-9** is amended to read:

71 **26-15-9. Impoundment of adulterated food products authorized -- Shopping**
72 **history.**

73 (1) The department and local health departments may impound any food products
74 found in places where food or drink is handled, sold, or served to the public that is intended for
75 but found to be adulterated and unfit for human consumption; and, upon five days' notice and
76 reasonable opportunity for a hearing to the interested parties, to condemn and destroy the same
77 if deemed necessary for the protection of the public health.

78 (2) The department or a local health department may obtain records related to a
79 customer's shopping history from a retail food establishment that tracks an individual's
80 shopping history if:

81 (a) the department or local health department determines that an individual has become
82 ill after exposure to food purchased at the retail food establishment; and

83 (b) the customer whose records are being obtained provides consent to obtain the
84 records to the department or local health department.