

H.B. 281

RAW MILK TESTING AMENDMENTS

Representative **Cheryl K. Acton** proposes the following amendments:

1. *Page 1, Lines 26 through 27:*

26 Other Special Clauses:

27 **This bill provides for a special effective date.**

2. *Page 2, Lines 36 through 45:*

36 (1) As used in this section:

37 (a) "Batch" means all the milk emptied from one bulk tank and bottled in a single day.

(b) "Common source" means milk or a raw milk product that was produced or processed in the same tank or container:

(i) with the same lot number; or

(ii) on the same date.

38 ~~{(b)}~~ **(c)** "Foodborne illness outbreak" means the event of two or more individuals getting
39 the same illness from ~~{the same batch of contaminated food or drink}~~ **a common source** .

40 ~~[(b)]~~ ~~{(c)}~~ **(d)** "Raw milk product" means any product produced from raw milk.

41 ~~[(c)]~~ ~~{(d)}~~ **(e)** "Self-owned retail store" means a retail store:

42 (i) of which the producer owns at least 51% of the value of the real property and
43 tangible personal property used in the operations of the retail store; or

44 (ii) for which the producer has the power to vote at least 51% of any class of voting
45 shares or ownership interest in the business entity that operates the retail store.

3. *Page 4, Lines 98 through 104:*

98 (e) labels the raw milk product with:

99 (i) a date, no more than nine days after the raw milk product is produced, by which the
100 raw milk product should be sold;

101 (ii) the statement "Raw milk products, no matter how carefully produced, may be
102 unsafe. {~~The following individuals are at greater risk when consuming raw milk products:~~

103 pregnant women, the elderly, children under the age of seven, and those with a compromised
104 immune system. } ";

4. *Page 5, Lines 133 through 141:*

133 (c) the producer labels the raw milk with:

134 (i) the producer's name and address;

135 (ii) a date, no more than nine days after the raw milk is produced, by which the raw
136 milk should be sold;
137 (iii) the statement "This raw milk has not been licensed or inspected by the state of
138 Utah. Raw milk, no matter how carefully produced, may be unsafe. { The following individuals
139 are at greater risk when consuming raw milk products: pregnant women, the elderly, children
140 under the age of seven, and those with a compromised immune system. } "; and
141 (iv) handling instructions to preserve quality and avoid contamination or spoilage;

5. Page 6, Line 175 through Page 7, Line 184:

175 (8) (a) The department {~~shall~~} may suspend a permit issued under Section 4-3-301 if:
176 (i) two out of four consecutive samples or two samples in a 30-day period violate
177 sample limits established under this section; or
178 (ii) a producer violates this section or a rule adopted as authorized by this section.
179 (b) The department may reissue a permit that has been suspended under Subsection
180 (8)(a) if the producer has:
181 (i) obtained a sample result that meets the standards described in Subsections (2)(g)
182 and (h); and
183 (ii) complied with all of the requirements of this section and rules adopted as
184 authorized by this section.

6. Page 7, Lines 193 through 203:

193 (11) (a) The department {~~shall~~} may issue a cease and desist order to a producer linked to a
194 foodborne illness [and shall stop sale of a raw milk product currently being sold:] outbreak.
195 (b) A producer that receives a cease and desist order from the department shall stop
196 sale of the raw milk product that the department names in the cease and desist order.
197 (c) To link a producer to a foodborne illness outbreak, the department or the
198 Department of Health and Human Services shall show {~~probable cause~~} by a preponderance of the
199 evidence that the foodborne
200 illness outbreak originated with the producer's raw milk product.
(d) The department shall:
(i) collect a sample within 48 hours of issuing a cease and desist order;
(ii) (A) submit the sample described in Subsection (11)(d)(i) to a laboratory for analysis; or
(B) upon written request by a producer that is subject to the cease and desist order, submit the
sample described in Subsection (11)(d)(i) to at least two different laboratories for analysis; and
(iii) release the results of the sample or samples described in this Subsection (11)(d) to the
producer that is subject to the cease and desist order no later than seven days after collecting the
sample.
(e) The department shall notify a producer that the department has linked the producer
201 to a foodborne illness outbreak before:

- 202 (i) notifying the public; or
203 (ii) including the producer's name or identifying information in a press release.

7. Page 7, Line 210 through Page 8, Line 215:

- 210 (13) Upon written request by a producer linked to a foodborne illness outbreak as
211 described in Subsection (11), the department shall provide to the producer:
212 (a) evidence the department used to link the producer to a foodborne illness outbreak
213 ~~{with probable cause}~~ **by a preponderance of the evidence**, with all medical patient identifying
information redacted; and
214 (b) information on how to request a hearing regarding the department's decision to
215 issue the cease and desist order.

8. Page 8, Lines 216 through 219:

- 216 [(12)] (14) The cease and desist order described in Subsection (11) shall remain in
217 effect until the department verifies that the producer:
218 (a) adheres to this section; and
219 **(b)(i) has an initial test described in Subsection (11)(d) that meets the standards described in**
Subsections (2)(g) and (h); or
(ii) has three consecutive clean tests of the raw milk product.

9. Page 8, Lines 231 through 232:

- 231 Section 2. Effective date.
232 This bill takes effect on ~~{May}~~ **July** 1, 2024.