

H.B. 281

RAW MILK TESTING AMENDMENTS

Representative **Mike L. Kohler** proposes the following amendments:

1. *Page 2, Lines 36 through 39:*

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.

38 (b) "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 .

2. *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. **More information is available from the Utah Department of Agriculture and Food at**
<https://ag.utah.gov/businesses/regulatory-services/dairy-compliance>. ";

3. *Page 5, Lines 137 through 140:*

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. **More information is available**

from the Utah Department of Agriculture and Food at

<https://ag.utah.gov/businesses/regulatory-services/dairy-compliance>. "; and

4. *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) **the department links a producer to a foodborne illness outbreak as described in Subsection**
(11); or

(iii) 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 is free from pathogenic bacteria** ; and
183 (ii) complied with all of the requirements of this section and rules adopted as
184 authorized by this section.

5. *Page 7, Lines 193 through 199:*

193 (11) (a) The department {~~shall~~} may issue a cease and desist order to a producer
194 if: {the producer is linked to a
194 foodborne illness [and shall stop sale of a raw milk product currently being sold.]
outbreak;} (i) the department links the producer to a foodborne illness outbreak; or
(ii) two out of four consecutive samples or two samples in a 30-day period violate sample limits
established under this section.
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 preponderance of the**
evidence that the foodborne
199 illness outbreak originated with the producer's raw milk product.

6. *Page 7, Line 204 through Page 8, Line 215:*

204 (12) Upon written request by a producer with a suspended permit as described in
205 Subsection (8), the department shall provide to the producer:
206 (a) a positive test result or positive test results that the department used to suspend a
207 permit; {and}
208 (b) evidence the department used to suspend the producer's permit by a preponderance of the
evidence, with all medical patient identifying information redacted; and
(c) information on how to request a hearing regarding the department's decision to
209 suspend the permit.
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) a positive test result that the department used to issue a cease and desist order;
(b) evidence the department used to link the producer to a foodborne illness outbreak
213 {with probable cause} **by preponderance of the evidence** , with all medical patient identifying
information redacted; and
214 {(b)} (c) information on how to request a hearing regarding the department's decision to
215 issue the cease and desist order.