

HB0179S04 compared with HB0179S01

~~{Omitted text}~~ shows text that was in HB0179S01 but was omitted in HB0179S04
inserted text shows text that was not in HB0179S01 but was inserted into HB0179S04

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Milk Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Kristen Chevrier
Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses the regulation of raw milk ~~{ or }~~ and raw milk products.

Highlighted Provisions:

This bill:

- ▶ ~~{ removes the requirement to obtain a permit for raw milk or raw milk products; }~~
- ▶ ~~{ modifies an exemption from certain dairy regulations; }~~
- ▶ defines terms;
- ▶ ~~{ requires notification to the Department of Agriculture and Food; }~~
- ▶ ~~{ outlines general requirements related }~~ requires a permit to produce and sell raw milk or a raw milk ~~{ products }~~ product;
- ▶ provides for suspension and reinstatement of a permit;
- ▶ provides for general operational requirements, including routine testing;
- ▶ addresses ~~{ prohibited counts }~~ signage, labeling, and ~~{ drug residue in raw milk }~~ marketing material;
- ▶ ~~{ prescribes labeling; }~~

HB0179S01

HB0179S01 compared with HB0179S04

- 15 ▶ addresses foodborne illness outbreaks { ~~and related cease and desist orders~~ } ;
- 16 ▶ { ~~provides for~~ } addresses testing and inspections;
- 17 ▶ { ~~imposes penalties~~; }
- 18 ▶ { ~~allows for sales on premises~~; }
- 19 ▶ provides for { ~~no severability~~ } enforcement and penalties; and
- 20 ▶ makes technical and conforming changes.

17 Money Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 **4-3-301** , as last amended by Laws of Utah 2023, Chapter 528

28 ~~**4-3-502**, as renumbered and amended by Laws of Utah 2017, Chapter 345}~~

24 ENACTS:

25 **4-3-601** , Utah Code Annotated 1953

26 **4-3-602** , Utah Code Annotated 1953

27 **4-3-603** , Utah Code Annotated 1953

28 **4-3-604** , Utah Code Annotated 1953

29 **4-3-605** , Utah Code Annotated 1953

30 **4-3-606** , Utah Code Annotated 1953

36 ~~**4-3-607**, Utah Code Annotated 1953}~~

37 ~~**4-3-608**, Utah Code Annotated 1953}~~

31 REPEALS:

32 **4-3-503** , as last amended by Laws of Utah 2025, Chapter 58

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

35 Section 1. Section **4-3-301** is amended to read:

36 **4-3-301. Permits or certificates -- Application -- Fee -- Expiration -- Renewal-- Raw milk.**

44 (1) [~~Application~~] A person shall apply to the department for a permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale

HB0179S01 compared with HB0179S04

distribution of dairy products [~~shall be made to the department upon forms { } on a form }-]~~ on a form prescribed and furnished by the department.

48 (2) Upon receipt of a proper application, compliance with the applicable rules, and payment of a permit fee determined by the department according to Subsection 4-2-103(2), the commissioner, if satisfied that the public convenience and necessity and the industry will be served, shall issue an appropriate permit to the applicant subject to suspension or revocation for cause.

53 (3) A permit issued under this section expires at midnight on December 31 of each year.

54 (4) A permit to operate a plant, manufacture butter or cheese, pasteurize milk, test milk for payment, haul milk in bulk, or for the wholesale distribution of dairy products, is renewable for a period of one year upon the payment of an annual permit renewal fee determined by the department according to Subsection 4-2-103(2) on or before December 31 of each year.

59 ~~{(5) Notwithstanding Subsection (1), a person is not required to obtain a permit but shall notify the department of the intention to produce raw milk or a raw milk product as provided in Part 6, Raw Milk.}~~

62 ~~{(5) Notwithstanding the requirements of Subsection (1), }~~ [application] a person shall apply to the department ~~{ for a permit or certificate to produce milk }~~ [or a raw milk product, as that term is defined in Section 4-3-503, shall be made to the department on forms] on a form ~~{ prescribed and furnished by the department.}~~

66 ~~{(6)}~~

~~{(a) Upon receipt of a proper application and compliance with applicable rules, the commissioner shall issue a permit entitling the applicant to engage in the business of producer, subject to suspension or revocation for cause.}~~

69 ~~{(b) A fee may not be charged by the department for issuance of a certificate.}~~

61 (7) In accordance with Part 6, Raw Milk, a person shall obtain a permit from the department to produce and sell raw milk or a raw milk product, as those terms are defined in Section 4-3-601.

70 ~~{Section 2. Section 4-3-502 is amended to read: }~~

71 **4-3-502. Exemption.**

72 (1) This chapter does not apply to milk or milk products produced on the farm if such milk or milk products are used by:

74 (a) the owner of the farm;

75 (b) a member of the owner's immediate family;

HB0179S01 compared with HB0179S04

- 76 (c) a nonpaying guest of the owner of the farm;
77 [(e)] (d) a participant in a cow-share program; or
78 [(d)] (e) a member of a participant in a cow-share program's immediate family.
79 (2) The department may not adopt a rule that restricts, limits, or imposes additional requirements on an individual obtaining:
81 (a) raw milk in accordance with the terms of a cow-share program agreement; or
82 (b) an interest in a cow-share program in accordance with the terms of the cow-share program agreement.

64 Section 2. Section 2 is enacted to read:

66 **4-3-601. Definitions.**

6. Raw Milk

As used in this part:

- 68 (1) "Approved laboratory" means a laboratory accredited by a nationally recognized organization and approved by the department.
- 88 (1){(2)} "Consumer" means an end user who purchases raw milk or a raw milk product for personal or household use.
- 90 (2){(3)} {~~"Designated agent"~~} "Delivery provider" means a person {~~that~~} who under contract with a producer{~~-, without ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the producer's-~~} delivers raw milk or a raw milk productto a consumer or market.
- 74 (4) "Destruction" means to dispose of raw milk or a raw milk product in a manner that prevents use or consumption of the raw milk or raw milk product.
- 93 (3){(5)} "Foodborne illness outbreak" means the occurrence of two or more cases from different households of a similar illness resulting from the ingestion of a common food.
- 78 (6) "Food service establishment" means the same as that term is defined in Section 26B-7-401.
- 95 (4){(7)} "Market" means a retail location or establishment other than the premises of the producer that is registered with the department as a food establishment in accordance with Section 4-5-301 and where raw milk or a raw milk product is offered for sale directly to a consumer.
- 97 (5){(8)} "Premises" means the property {~~and facilities~~} or facility used for the:
- 98 (a) housing or milking of lactating animals; or
- 99 (b) processing, storage, or sale of raw milk or a raw milk product.

100

HB0179S01 compared with HB0179S04

(6){(9)} "Producer" means a person that owns ~~{lactating animals}~~ a lactating animal and produces, bottles, packages, or sells raw milk or a raw milk product.

102 (7){(10)} "Raw milk" means milk from a lactating animal that has not been pasteurized.

103 (8){(11)} "Raw milk product" means a product produced from raw milk.

104 {(9)} ~~"Third party vendor" means a person that under contract with a producer takes ownership of the producer's raw milk or raw milk product to distribute, sell, deliver, hold, store, or offer for sale the raw milk or raw milk product to a market.}~~

91 Section 3. Section 3 is enacted to read:

92 **4-3-602. {General operational requirements} Permit required -- Suspension of permit.**

109 {(+) }

(a){(1)} ~~{Except as provided in Section 4-3-607, a producer of raw milk or a raw milk product may manufacture, distribute, sell, deliver, hold, store, or offer for sale the }~~ A person may not produce and sell raw milk or ~~{the }~~ a raw milk product ~~{in accordance with this part if the producer notifies }~~ without a permit issued by the department ~~{in writing of the producer's intention to produce raw milk or a raw milk product }~~ under this section.

113 (b){(2)} The ~~{notice required by this Subsection (1)}~~ permit application shall include:

114 {(i) ~~{the producer's name and address;}~~}

115 (ii){(a)} the intended method of sale ~~{of the raw milk or raw milk product}~~, including direct-to-consumer, ~~{through}~~ by a market, or both direct-to-consumer and ~~{through}~~ by a market; ~~{and}~~

98 (b) a declaration of understanding and intent to comply with this part;

99 (c) an example of signage and labeling compliant with Section 4-3-604;

118 (iii){(d)} the species of ~~{animal used to produce}~~ lactating animals that produces the raw milk~~{:}~~;

119 {(2) ~~{A producer shall bottle or package raw milk or a raw milk product under sanitary conditions and in sanitary containers on the premises where the raw milk or the raw milk product is produced.}~~}

122 {(3) }

101 (e) a permit number assigned by the department;

102 (f) a recall plan compliant with Subsection 4-3-603(7);

(a){(g)} ~~{A producer shall cool}~~ whether raw milk ~~{or raw milk used to produce a raw milk product to:}~~ will be sold;

123 {(i) ~~{50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal; and}~~}

HB0179S01 compared with HB0179S04

- 125 ~~{(ii) {41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the
 animal.}}~~
- 127 ~~{(b) {A producer shall maintain the raw milk described in Subsection (3)(a) at 41 degrees Fahrenheit or
 a lower temperature until the raw milk is sold to a consumer or used to produce a raw milk product.}}~~
- 130 ~~{(e) {A producer shall ensure that when raw milk or a raw milk product is distributed, sold, delivered,
 held, stored, or offered from a mobile unit, the raw milk or raw milk product is maintained through
 mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.}}~~
- 134 ~~{(d) {When a producer transports raw milk or a raw milk product from the premises where the raw milk
 or raw milk product is produced, the producer shall ensure that the raw milk or raw milk product is
 transported by a designated agent, a third party vendor, or other person that is not a consumer in a
 mobile unit with mechanical refrigeration where the raw milk or raw milk product is maintained at
 41 degrees Fahrenheit or a lower temperature.}}~~
- 140 ~~{(4) {A producer shall ensure that the raw milk producing animals on the premises of the producer are:}}~~
- 142 ~~{(a) {permanently and individually identifiable; and}}~~
- 143 ~~{(b) {free of tuberculosis, brucellosis, and other diseases carried through milk.}}~~
- 144 ~~{(5) {A producer shall ensure that an individual on the premises who performs work in connection with
 the production, bottling, packaging, handling, or sale of raw milk or a raw milk product is free from
 communicable disease.}}~~
- 146a ~~(h)~~ ~~{ ~~ñ~~ → { } ~~{(6)}~~ }~~ ~~{A market shall display raw milk or }~~ the type of a raw milk product {in a
manner}, if any, that will be produced or sold including the type of cheese that {is separate
from pasteurized milk or pastuerized milk products.} will be produced or sold; and
- 106 (i) other information requested by the department by rule made in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act.
- 108 (3)
- 110 (a) Subject to Subsection (3)(c), a permit is valid for the calendar year in which the person is issued a
permit.
- 112 (b) To renew a permit, a person shall file a renewal application with the department by no later than
December 31.

HB0179S01 compared with HB0179S04

(c) If a producer changes information listed in Subsection (2), the producer shall submit a new permit application by no later than 30 days before the change and mark that the permit application is an updated application.

115 (4)

(a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for issuing or renewing a permit under this part.

117 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee under this Subsection (4) as a dedicated credit and may only use the fee to administer and enforce this part.

120 (5)

(a) The department shall suspend a permit issued under this section if three out of five consecutive samples violate a standard established under Subsection 4-3-603(8).

122 (b) The department may reissue a permit that has been suspended under Subsection (5)(a) if the producer:

124 (i) obtains three consecutive tests that meet all the standards described in Subsection 4-3-603(8); and

126 (ii) complies with all of the requirements of this part and rules made as authorized by this part.

128 (c) A person whose permit is suspended under this section may appeal the action in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

130 Section 4. Section 4 is enacted to read:

131 **4-3-603. {Prohibited counts or drug residue} General operational requirements.**

132 (1)

(a) A person may produce raw milk only from an animal owned by a producer permitted by the department.

134 (b) Raw milk shall originate from a lactating animal, including a cow, goat, or sheep.

135 (2) A person may sell raw milk or a raw milk product only within Utah.

136 (3)

(a) A producer shall obtain regular services by a licensed veterinarian for the producer's herd of lactating animals.

138 (b) Subject to Subsection (10), a producer shall maintain veterinary care records, including:

140 (i) routine herd health checks;

141 (ii) disease screening;

142 (iii) treatment documentation; and

HB0179S01 compared with HB0179S04

- 143 (iv) withdrawal period verification.
- 144 (c) A producer shall:
- 145 (i) comply with a withdrawal period after animal treatment;
- 146 (ii) routinely screen for mastitis or illness; and
- 147 (iii) refrain from selling raw milk or a raw milk product from a sick animal.
- 148 (4)
- (a) A person may not sell raw milk or a raw milk product through a food service establishment or under Chapter 5a, Home Consumption and Homemade Food Act.
- 150 (b) A person may not use raw milk in a commercial kitchen, in commercial food processing, or in a food service establishment.
- 152 (c) A producer may not allow raw milk or a raw milk product, including cream from raw milk, to be removed from the premises where that raw milk is produced unless:
- 154 (i) the raw milk or raw milk product is delivered to a consumer or market by the producer or a delivery provider; and
- 156 (ii) the label on the raw milk or raw milk product is not changed from the label required under Section 4-3-604 placed on the raw milk or raw milk product by the producer.
- 159 (5)
- (a) A person shall cool raw milk to 41 degrees Fahrenheit or below within two hours of milking and maintain the raw milk or a raw milk product at or below 41 degrees Fahrenheit at all times.
- 162 (b) A producer shall use a raw milk container that is tamper-resistant, food-grade, and compliant with the labeling requirements of Section 4-3-604.
- 164 (6)
- (a) A producer shall use a separate enclosed facility for:
- 165 (i) animal housing;
- 166 (ii) milking; and
- 167 (iii) processing and packaging.
- 168 (b) Premises used for milking or processing and packaging shall meet the sanitation standards adopted by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 171 (7)
- (a) A producer shall implement a recall plan approved by the department.

HB0179S01 compared with HB0179S04

- 172 (b) If a producer recalls raw milk or a raw milk product, the producer shall publish notice of the recall
on the producer's website and social media, if any.
- 149 (1){(8)} ~~{The somatic cell count in unpackaged }~~ Raw milk or a raw milk ~~{for retail sale }~~ product may
not ~~{exceed }~~ contain:
- 150 ~~{(a) {400,000 cells per milliliter for raw milk produced from cows; or} }~~
- 151 ~~{(b) {1,500,000 cells per milliliter for raw milk produced from goats.} }~~
- 152 (2){(a)} ~~{The bacterial count of raw milk or raw milk used to produce a raw milk product may not~~
~~exceed }~~ aerobic bacteria that exceeds 20,000 colony forming units per milliliter~~{.} ;~~
- 154 (3){(b)} ~~{The }~~ a coliform count ~~{of raw milk or raw milk used to produce a raw milk product may not~~
~~exceed }~~ that exceeds 10 colony forming units per milliliter~~{.} ;~~ or
- 177 (c) detectable levels of listeria, salmonella, campylobacter, or shiga toxin-producing e. coli.
- 179 (9)
- 156 (4){(a)} ~~{Raw milk or }~~ The department or the producer through an approved laboratory shall test a
sample of raw milk ~~{used to produce }~~ or a raw milk product ~~{may not contain drug residue above~~
~~the tolerance levels recommended by }~~ monthly to ensure compliance with the ~~{United States Food~~
 ~~}~~ aerobic bacteria and ~~{Drug Administration }~~ coliform count standards of Subsection (8).
- 159 ~~{(5) }~~
- 182 (b) If a test finds that a sample tested under Subsection (9)(a) exceeds the aerobic bacteria or coliform
count standard of Subsection (8), the department may test or require the producer through an
approved laboratory to test for detectable levels of the pathogens listed in Subsection (8)(c).
- (a){(c)} A producer shall report a positive finding of a pathogen listed in Subsection (8)(c) to the
department within two business days of receipt of a test {for compliance with this section through
an accredited laboratory at least monthly} finding the pathogen.
- 188 (10)
- 161 (b){(a)} A producer shall retain the following records for a ~~{record }~~ minimum of ~~{test results for at~~
~~least }~~ two years ~~{from receipt of the test results.} ;~~
- 189 (i) animal health and treatment records described in Subsection (3);
- 190 (ii) test results;
- 191 (iii) a record of a contract with a delivery provider and a delivery made under the contract; and
- 193 (iv) a record of a sale to a market.
- 194 (b) A producer shall maintain a temperature log for a minimum of three months.

HB0179S01 compared with HB0179S04

163 (c) ~~{A}~~ Except as provided in Subsection (9)(c), a producer ~~{is required}~~ shall disclose a record
described in this Subsection (10) to ~~{provide}~~ the department ~~{test results only if requested by}~~
upon request of the department ~~{after}~~ in the ~~{producer}~~ case of a suspicion that raw milk or a raw
milk product is ~~{linked to}~~ the likely source of a foodborne illness outbreak.

199 Section 5. Section 5 is enacted to read:

200 **4-3-604. {Labeling} Signage, labeling, and marketing material -- Prohibition on use of**
department's name or logo.

202 (1) A producer shall conspicuously post signage at the location where raw milk or a raw milk product is
displayed for sale stating: "THIS PRODUCT IS RAW MILK OR MADE WITH RAW MILK."

167 (1){(2)} A ~~{producer}~~ person shall label ~~{the container of}~~ a raw milk or ~~{a}~~ raw milk product ~~{in~~
accordance with this section.} container with:

169 ~~{(2) {A producer shall also label the container described in Subsection (1) with:}}~~

170 ~~{(a) {a date, no more than nine days after the raw milk or raw milk product is produced, by which the~~
raw milk or raw milk product should be sold;}}

206 (a) the statement: "RAW MILK" or "RAW MILK PRODUCT" in letters at least 1/4 inch high;

172 (b) ~~{the statement}~~ warning: "Raw milk ~~{or raw milk products}~~ , no matter how carefully produced,
may be unsafe.";

174 ~~{(c) {handling instructions to preserve quality and avoid contamination or spoilage;}}~~

209 (c) a black cap for fluid raw milk; and

210 (d) the following additional information:

211 (i) net volume;

212 (ii) production and consume-by date;

213 (iii) department issued permit number;

175 (d){(iv)} ~~{the producer's}~~ producer name and address;

176 ~~{(e) {the species of animal used to produce the raw milk;}}~~

215 (v) animal source;

177 (f){(vi)} ~~{the}~~ ingredient list; and

178 (g){(vii)} ~~{an}~~ allergen statement meeting federal requirements for milk.

218 (3) A producer that sells raw milk or a raw milk product may not:

219 (a) on signage, a label, or marketing material:

220 (i) use the department's name or logo; or

HB0179S01 compared with HB0179S04

221 (ii) describe raw milk or a raw milk product as grade A; or

222 (b) use a label that contains a medical claim.

223 Section 6. Section 6 is enacted to read:

224 **4-3-605. Foodborne illness outbreak -- Cease and desist.**

181 (1)

(a) ~~{Nothing in this chapter shall impede the Department of Health and Human Services or the department in an investigation-}~~ The department may prove that a producer is the likely source of a foodborne illness outbreak ~~{-}~~ on the basis of:

227 (i) subject to Subsection (1)(c), epidemiological and statistical evidence;

228 (ii) a laboratory finding;

229 (iii) whole genome sequencing;

230 (iv) traceback and supply chain documentation; or

231 (v) a violation of safety standards.

232 (b) The department is not required to obtain a pathogen-positive result to prove that a producer is the likely source of a foodborne illness outbreak if other evidence establishes the raw milk or raw milk product as the likely source of a foodborne illness outbreak.

183 (b) ~~{(c)}~~ Notwithstanding Subsection ~~{(1)(a)}~~ (1)(a)(i), if the Department of Health and Human Services or the department uses ~~{a survey-}~~ an epidemiological method to determine whether ~~{there is a foodborne illness outbreak linked to-}~~ raw milk or a raw milk product is the likely source of a foodborne illness outbreak, the ~~{survey-}~~ epidemiological method shall include questions that probe the common sources of the implicated pathogen for the foodborne illness outbreak.

188 ~~{(2)}~~

(a) ~~{(2)}~~ {If after the investigation of a foodborne illness outbreak the department links the foodborne illness outbreak to a producer, the-} The department shall issue a cease and desist order ~~{to the-}~~ in accordance with Subsection 4-2-606(7) if the department proves that a producer ~~{linked to-}~~ is the likely source of a foodborne illness outbreak ~~{prohibiting the sale of the-}~~ linked to raw milk or a raw milk product.

192 ~~{(b)}~~ {For purposes of the cease and desist order, to positively link a producer to a foodborne illness outbreak, the department shall produce evidence from the investigation under Subsection (1) that the foodborne illness outbreak originated with the specific producer's raw milk or raw milk product.-}

244 (3)

HB0179S01 compared with HB0179S04

- 196 (c){(a)} {~~A producer who receives~~} Within two working days of issuing a cease and desist order {~~from~~
}, the department shall {~~stop the sale~~} collect a sample of {~~the~~} raw milk or a raw milk product
{~~named~~} for whole genome sequencing and may test for an item listed in {~~the cease and desist~~
order} Subsection 4-3-603(8).
- 198 {(3) }
- {(a) {~~A cease and desist order shall remain in effect until the department:~~}}
- 199 {(i) {~~verifies that the producer who is subject to the cease and desist order has three consecutive~~
~~tests of the raw milk or raw milk product that show that the raw milk or raw milk product~~
~~meet the standards described in Subsections 4-3-603(2) and (3) and is free of the following~~
~~pathogens:~~}}
- 203 {(A) {~~shiga toxin-producing e. coli;~~}}
- 204 {(B) {~~listeria monocytogenes;~~}}
- 205 {(C) {~~salmonella; and~~}}
- 206 {(D) {~~campylobacter; or~~}}
- 207 {(ii) {~~receives a genome sequencing test result that demonstrates that the producer's raw milk or~~
~~raw milk product is not linked to the foodborne illness outbreak that is the subject of the cease~~
~~and desist order.~~}}
- 210 (b) The department shall {~~notify a producer who is subject to a cease and desist order that~~} share with
the {~~cease and desist order is not in effect~~} producer whole genome sequencing results within {~~one~~
15} working days from the day {~~of~~} the {~~conditions of~~} sample is taken under this Subsection
{~~(3)(a) being met~~} (3) unless the time frame is extended by the department in writing.
- 213 {(4) }
- {(a) {~~The department shall collect a sample within two working days of issuing a cease and desist order~~
~~for the purpose of submitting the sample to an accredited laboratory for:~~}}
- 216 {(i) {~~testing for purposes of Subsection (3)(a)(i); and~~}}
- 217 {(ii) {~~if the department wants to publicly disclose a producer's name or identifying information~~
~~under Subsection (5), whole genome sequencing testing.~~}}
- 219 {(b) {~~For purposes of a test described in Subsection (3)(a)(i), the department shall collect a sample for~~
~~each test within two working days of the producer requesting that a sample be collected.~~}}
- 222 {(c) {~~The time between the department collecting the sample under Subsection (4)(a)(ii) and the~~
~~department notifying the producer of whole genome sequencing test results may not exceed 15~~

HB0179S01 compared with HB0179S04

working days unless, before the 15-working day period expires, the department notifies the producer in writing that the department requires additional time to notify the producer of the whole genome sequencing test results. } }

227 { (d) }

(i) { (c) } Upon ~~{the producer's}~~ request of a producer, and at the ~~{producer being liable for the costs of the second laboratory}~~ producer's expense, the department shall ~~{have the}~~ submit a sample ~~{collected under Subsection (4)(a) analyzed}~~ tested by ~~{two accredited laboratories}~~ the department or in an approved laboratory to a second approved laboratory for testing.

230 {(ii) ~~{The producer shall select the second laboratory from a list of accredited laboratories approved by the department.}~~}

232 {(5) }

{(a) ~~{Subject to the requirements of Subsection (5)(b), the following may notify the public of a foodborne illness outbreak linked to raw milk or a raw milk product:}~~}

234 {(i) ~~{the department;}~~}

235 {(ii) ~~{the Department of Health and Human Services in accordance with Section 26B-1-202; and}~~}

237 {(iii) ~~{a local health department.}~~}

238 {(b) ~~{Before an agency listed in Subsection (5)(a) may publicly disclose a producer's name or identifying information, the department shall notify the producer that the department has linked the producer to a foodborne illness outbreak with a positive whole genome sequencing test.}~~}

242 (c) { (4) } ~~{Before publicly disclosing a producer's name or identifying information under Subsection (5)(b)}~~ The department, the Department of Health and Human Services, or a local health department ~~{shall verify}~~ may publicly disclose that ~~{the department notified the producer that the department has linked}~~ a producer is the ~~{producer to}~~ likely source of a foodborne illness ~~{with a positive whole genome sequencing test.}~~ outbreak only:

256 (a) if proven by a positive whole genome sequencing test; and

247 (6) { (b) } ~~{Upon written request by a producer with a cease and desist order,}~~ after the department ~~{shall provide}~~ notifies the producer ~~{information on how to request a hearing regarding}~~ in writing before the ~~{department's decision to issue the cease and desist order}~~ disclosure.

258 Section 7. Section 7 is enacted to read:

259 **4-3-606. Department testing, inspecting, or other actions -- Penalties and enforcement.**

253 (1) The department may collect and test a sample of raw milk or a raw milk product {only if} :

HB0179S01 compared with HB0179S04

- 262 (a) for the monthly tests required by Subsection 4-3-603(9);
263 (b) during an inspection if there is suspicion of adulteration;
254 (a){(c)} anytime there is a {reasonable} suspicion that the producer is {linked to} the likely source of
a foodborne illness outbreak; or
266 (d) when the department receives a complaint from the public that a producer violates this part and
the department discloses to the producer the underlying facts of the complaint before the sample is
collected.
269 (2)
(a) The department may inspect premises:
256 (b){(i)} {during the} before issuance of {a cease and desist order} the initial permit under Section
{4-3-605.} 4-3-602;
271 (ii) quarterly after the initial inspection;
257 (2){(iii)} {The department may inspect premises of a producer only if} anytime there is a {reasonable
} suspicion that {the} a producer is {linked to} the likely source of a foodborne illness outbreak{:}
:
259 {(3) }
274 (iv) anytime there is a suspicion that raw milk or a raw milk product is adulterated, as defined in
Section 4-3-102; or
(a){(v)} {If the Department of Health and Human Services or} when the department {links a
producer's raw milk or raw milk product to} receives a {foodborne illness outbreak and} complaint
from the {department finds} public that {the} a producer {has violated} violates this part{:}
and the department {may impose upon} discloses to the producer the {following administrative
penalties:} underlying facts of the complaint before the inspection.
279 (b) The department may inspect the following under this Subsection (2):
280 (i) a production area;
281 (ii) a milking space; or
282 (iii) a bottling or processing facility.
283 (3) The department may detain, test, or order the destruction of raw milk or a raw milk product:
285 (a) that is adulterated or misbranded as defined in Section 4-3-102; or
286 (b) if there is a suspicion that the raw milk or raw milk product is the likely source of a foodborne
illness outbreak.

HB0179S01 compared with HB0179S04

- 288 (4)
- (a) The department shall establish and collect a fee in accordance with Section 63J-1-504 for a test conducted under this part or an inspection under Subsection (2).
- 290 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee as a dedicated credit and may only use the fee to administer and enforce this part.
- 292 (5) During a 12-month period, the department may impose an administrative fine against a person that produces or sells adulterated or misbranded raw milk or raw milk product as follows:
- 263 (i) {(a)} upon the first violation, {a penalty} an administrative fine of {no} not more than {300} \$500;
- 264 (ii) {(b)} upon a second violation, {a penalty} an administrative fine of {no} not more than {750} \$1,000; and
- 265 (iii) {(c)} upon a third or subsequent violation, {a penalty} an administrative fine of {no} not more than {1,500} \$3,000.
- 298 (6) The department may impose an administrative fine in the amount listed in Subsection (5) if a producer sells raw milk or a raw milk product without being permitted under this part.
- 301 (7)
- (a) The department may impose the following against a person that the department proves to be the likely source of a foodborne illness outbreak under Section 4-3-606 during a 12-month period described in Subsection (7)(b):
- 304 (i) upon a first proof of a foodborne illness outbreak, a cease and desist order of 14 days;
- 306 (ii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(i) or upon a second proof of a foodborne illness outbreak, a cease and desist order of 14 days and an administrative fine of \$500;
- 309 (iii) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(ii) or upon a third proof of a foodborne illness outbreak, a cease and desist order of 14 days and an administrative fine of \$1,000; and
- 312 (iv) upon a finding of a new case after the imposition of a penalty under Subsection (7)(a)(iii) or upon a fourth or subsequent proof of a foodborne illness outbreak, an administrative fine of \$3,000.
- 315 (b) A penalty imposed under Subsection (7)(a) is based on a time period that begins the day on which a cease and desist order is imposed under Subsection (7)(a)(i) and ends 12 months after the day which

HB0179S01 compared with HB0179S04

the cease and desist order is imposed under Subsection (7)(a)(i). A foodborne illness outbreak or new case that occurs after the 12-month period described in this Subsection (7)(b) results in the start of a new 12-month period.

266 (b){(8)} The department may impose {~~the penalties described in Subsection (3)(a) in addition to issuing~~
267 ~~a cease and desist order~~} a civil penalty under Section {~~4-3-605~~} 4-2-304 for a violation of this part
268 not described in Subsections (5) through (7).

{~~(4) {Notwithstanding the other provisions of this title, the department may not impose a penalty or
269 take any other action against a producer except for an action expressly provided for in this part.}~~}

323 (9) A person subject to an action under Subsections (5) through (8) may appeal the action in accordance
with Title 63G, Chapter 4, Administrative Procedures Act.

325 Section 8. **Repealer.**

This Bill Repeals:

326 This bill repeals:

327 Section **4-3-503, Sale of raw milk products -- Suspension of producer's permit --**

271 Section 9. Section **9** is enacted to read:

272 **4-3-607. Exemption for on-premise sales.**

273 (1) A producer may, without meeting the requirements of Sections 4-3-602, 4-3-603, and 4-3-604, sell
raw milk if the producer complies with this section.

275 (2) To be exempt under this section, the producer shall:

276 (a) sell the raw milk to a consumer for household use and not for resale;

277 (b) sell and deliver the raw milk upon the premises where the raw milk is produced;

278 (c) label the raw milk with:

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

280 (ii) a date, no more than nine days after the raw milk is produced, by which the raw milk should be sold;

282 (iii) the statement: "This raw milk has not been licensed or inspected by the state of Utah. Raw milk, no
matter how carefully produced, may be unsafe."; and

284 (iv) handling instructions to preserve quality and avoid contamination or spoilage;

285 (d) cool the raw milk:

286 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn from the animal;
and

288 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn from the animal;

HB0179S01 compared with HB0179S04

- 290 (e) conduct a monthly test ensuring the coliform count of the raw milk does not exceed 10 colony-
forming units per milliliter;
- 292 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis, brucellosis, and
other diseases carried through milk;
- 294 (g) maintain records of tests and sales for a minimum of two years; and
- 295 (h) notify the department of the producer's intent to sell raw milk in accordance with this section and
include in the notification the producer's name and address.

297 Section 10. Section 10 is enacted to read:

298 **4-3-608. Severability.**

- 299 (1) If any section, subsection, or provision of this part or the application of any section, subsection,
or provision to any person or circumstance is held invalid by a final decision of a court with
jurisdiction, the remainder of the part may not be given effect without the invalid section,
subsection, provision, or application.
- 303 (2) The provisions of this part may not be severed.

328 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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