

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Food Safety Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Verona Mauga
Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions related to food safety.

Highlighted Provisions:

This bill:

- amends provisions related to exemptions from food service establishment requirements;
- extends the period for food safety manager certification renewal from three years to five years;
- defines terms; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-7-411, as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-7-412, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-7-411** is amended to read:

26B-7-411 . Exemptions to food service establishment requirements.

(1) The following are not subject to the provisions of Section 26B-7-410:

- (a) special events sponsored by municipal or nonprofit civic organizations, including food booths at school sporting events and little league athletic events and church

- 28 functions;
- 29 (b) temporary event food services approved by a local health department;
- 30 (c) vendors and other food service establishments that serve only commercially
- 31 prepackaged foods and beverages as defined by the department by rule;
- 32 (d) private homes not used as a commercial food service establishment;
- 33 (e) health care facilities licensed under Chapter 2, Part 2, Health Care Facility Licensing
- 34 and Inspection;
- 35 (f) bed and breakfast establishments at which the only meal served is a continental
- 36 breakfast as defined by the department by rule;
- 37 (g) residential child care providers;
- 38 (h) child care providers and programs licensed under Chapter 2, Part 4, Child Care
- 39 Licensing;
- 40 (i) back country food service establishments;
- 41 (j) an event that is sponsored by a charitable organization, if, at the event, the
- 42 organization:
- 43 (i) provides food to a disadvantaged group free of charge; and
- 44 (ii) complies with rules established by the department under Subsection ~~[(3)]~~ (4); ~~[and]~~
- 45 (k) a fundraising event hosted or sponsored by a nonprofit organization, as that term is
- 46 defined in Section 16-6a-102, if:
- 47 (i) a food service establishment donates the food for the fundraising event; and
- 48 (ii) a certified food safety manager of the food service establishment remains on the
- 49 site of the fundraising event; and
- 50 ~~[(k)]~~ (1) a lowest risk or permitted food establishment category determined by a risk
- 51 assessment evaluation established by the department by administrative rule adopted
- 52 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 53 (2) If a food service establishment donates food to a nonprofit organization as described in
- 54 Subsection (1)(k), the department may not require the food service establishment to
- 55 obtain additional training, pay additional fees, or submit to additional testing for the
- 56 purpose of donating, delivering, or serving food at the fundraising event.
- 57 ~~[(2)]~~ (3) Nothing in this section may be construed as exempting a food service establishment
- 58 described in Subsection (1) or (2) from any other applicable food safety laws of this
- 59 state.
- 60 ~~[(3)]~~ (4) The department may establish additional requirements, in accordance with Title
- 61 63G, Chapter 3, Utah Administrative Rulemaking Act, for charitable organizations

62 providing food for free under Subsection (1)(j).

63 Section 2. Section **26B-7-412** is amended to read:

64 **26B-7-412 . Certified food safety manager.**

65 (1) Before a person may manage a food service establishment as a certified food safety
66 manager, that person shall submit documentation in the format prescribed by the
67 department to the appropriate local health department indicating a passing score on a
68 department-approved examination.

69 (2) To continue to manage a food service establishment, a certified food safety manager
70 shall:

71 (a) successfully complete, every [~~three~~] five years, renewal requirements established by
72 department rule which are consistent with original certification requirements; and

73 (b) submit documentation in the format prescribed by the department within 30 days of
74 the completion of renewal requirements to the appropriate local health department.

75 (3) A local health department may deny, revoke, or suspend the authority of a certified food
76 safety manager to manage a food service establishment or require the completion of
77 additional food safety training courses for any one of the following reasons:

78 (a) submitting information required under Subsection (1) or (2) that is false, incomplete,
79 or misleading;

80 (b) repeated violations of department or local health department food safety rules; or

81 (c) operating a food service establishment in a way that causes or creates a health hazard
82 or otherwise threatens the public health, safety, or welfare.

83 (4) A determination of a local health department made pursuant to Subsection (3) may be
84 appealed by a certified food safety manager in the same manner provided for in
85 Subsection 26B-7-410(4).

86 (5) No person may use the title "certified food safety manager," or any other similar title,
87 unless the person has satisfied the requirements of this section.

88 (6) A local health department:

89 (a) may not charge a fee to accept or process the documentation described in
90 Subsections (1) and (2);

91 (b) shall accept photocopies or electronic copies of the documentation described in
92 Subsections (1) and (2); and

93 (c) shall allow an individual to submit the documentation described in Subsections (1)
94 and (2) by mail, email, or in person.

95 (7) Certified food safety managers shall:

- 96 (a) establish and monitor compliance with practices and procedures in the food service
- 97 establishments where they are employed to maintain compliance with department and
- 98 local health department food safety rules; and
- 99 (b) perform such other duties that may be necessary to ensure food safety in the food
- 100 service establishments where they are employed.

101 (8)(a) The department shall establish by rule made in accordance with Title 63G,
102 Chapter 3, Utah Administrative Rulemaking Act:

- 103 (i) statewide, uniform standards for certified food safety managers;
- 104 (ii) criteria for food safety certification examinations; and
- 105 (iii) any provisions necessary to implement this section.
- 106 (b) The department shall approve food safety certification examinations in accordance
- 107 with this section.
- 108 (c) The local health department with jurisdiction over the geographic area in which a
- 109 food service establishment is located shall enforce the provisions of this section.

110 **Section 3. Effective Date.**

111 This bill takes effect on May 6, 2026.