

Kristen Chevrier proposes the following substitute bill:

Milk Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kristen Chevrier

Senate Sponsor: Kirk A. Cullimore

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LONG TITLE

General Description:

This bill addresses the regulation of milk or milk products.

Highlighted Provisions:

This bill:

- ▶ modifies an exemption from certain dairy regulations;
- ▶ defines terms;
- ▶ outlines general requirements related to raw milk or raw milk products;
- ▶ addresses prohibited counts in raw milk;
- ▶ prescribes labeling;
- ▶ provides for the suspension and reissuance of permits;
- ▶ addresses foodborne illness outbreaks;
- ▶ addresses cease and desist orders;
- ▶ addresses rulemaking;
- ▶ provides for fees;
- ▶ imposes penalties;
- ▶ exempts from certain requirements sales or deliveries of raw milk or raw products from a farm;
- ▶ provides for an exemption for small producers;
- ▶ provides for no severability; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

29 AMENDS:

30 **4-3-301**, as last amended by Laws of Utah 2023, Chapter 528

31 **4-3-502**, as renumbered and amended by Laws of Utah 2017, Chapter 345

32 ENACTS:

33 **4-3-601**, Utah Code Annotated 1953

34 **4-3-602**, Utah Code Annotated 1953

35 **4-3-603**, Utah Code Annotated 1953

36 **4-3-604**, Utah Code Annotated 1953

37 **4-3-605**, Utah Code Annotated 1953

38 **4-3-606**, Utah Code Annotated 1953

39 **4-3-607**, Utah Code Annotated 1953

40 **4-3-608**, Utah Code Annotated 1953

41 **4-3-609**, Utah Code Annotated 1953

42 **4-3-610**, Utah Code Annotated 1953

43 REPEALS:

44 **4-3-503**, as last amended by Laws of Utah 2025, Chapter 58



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

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

48 **4-3-301 . Permits or certificates -- Application -- Fee -- Expiration -- Renewal.**

49 (1) Application for a permit to operate a plant, manufacture butter or cheese, pasteurize
50 milk, test milk for payment, haul milk in bulk, or for the wholesale distribution of dairy
51 products shall be made to the department upon forms prescribed and furnished by the
52 department.

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

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

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

63 December 31 of each year.

64 (5) Notwithstanding the requirements of Subsection (1), application for a permit or
 65 certificate to produce milk or a raw milk product, as that term is defined in Section[
 66 ~~4-3-503~~] 4-3-601, shall be made to the department on forms prescribed and furnished by
 67 the department.

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

71 (b) A fee may not be charged by the department for issuance of a certificate.

72 Section 2. Section **4-3-502** is amended to read:

73 **4-3-502 . Exemption.**

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

76 (a) the owner of the farm;

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

78 (c) a nonpaying guest of the owner of the farm;

79 [~~(e)~~] (d) a participant in a cow-share program; or

80 [~~(d)~~] (e) a member of a participant in a cow-share program's immediate family.

81 (2) The department may not adopt a rule that restricts, limits, or imposes additional
 82 requirements on an individual obtaining:

83 (a) raw milk in accordance with the terms of a cow-share program agreement; or

84 (b) an interest in a cow-share program in accordance with the terms of the cow-share
 85 program agreement.

86 Section 3. Section **4-3-601** is enacted to read:

87 **Part 6. Raw Milk**

88 **4-3-601 . Definitions.**

89 As used in this part:

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

91 (2) "Designated agent" means a person that under contract with a producer, without
 92 ownership interest, distributes, sells, delivers, holds, stores, or offers for sale the
 93 producer's raw milk or raw milk product.

94 (3) "Foodborne illness outbreak" means the occurrence of two or more cases from different
 95 households of a similar illness resulting from the ingestion of a common food.

96 (4) "Premises" means the property and facilities used for the:

- 97 (a) housing or milking of lactating animals; or
98 (b) processing, storage, or sale of raw milk or a raw milk product.
99 (5) "Producer" means a person that owns lactating animals and bottles, packages, or sells
100 raw milk or a raw milk product.
101 (6) "Raw milk" means milk from a lactating animal that has not been pasteurized.
102 (7) "Raw milk product" means a product produced from raw milk.
103 (8) "Third party vendor" means a person that under contract with a producer takes
104 ownership of the producer's raw milk or raw milk product to distribute, sell, deliver,
105 hold, store, or offer for sale the raw milk or raw milk product to a market.

106 Section 4. Section **4-3-602** is enacted to read:

107 **4-3-602 . General operational requirements.**

- 108 (1) Except as provided in Section 4-3-608 or 4-3-609, a producer of raw milk or a raw milk
109 product may manufacture, distribute, sell, deliver, hold, store, or offer for sale the raw
110 milk or raw milk product in accordance with this part.
111 (2) To engage in an activity listed in Subsection (1), the producer shall:
112 (a) obtain a permit from the department in accordance with Subsection 4-3-301(6);
113 (b) conduct the sale and delivery of the raw milk product on the premises where the raw
114 milk or raw milk product is produced, except as provided by Subsection (3);
115 (c) sell raw milk or a raw milk product to a consumer for household use and not for
116 resale;
117 (d) bottle or package raw milk or a raw milk product under sanitary conditions and in
118 sanitary containers on the premises where the raw milk or raw milk product is
119 produced;
120 (e)(i) cool raw milk or the raw milk used to produce the raw milk product:
121 (A) to 50 degrees Fahrenheit or a lower temperature within one hour after being
122 drawn from the animal; and
123 (B) to 41 degrees Fahrenheit within two hours of being drawn from the animal;
124 and
125 (ii) maintain raw milk at 41 degrees Fahrenheit or a lower temperature until the raw
126 milk is delivered to the consumer or used to produce the raw milk product;
127 (f) ensure that the production of raw milk or a raw milk product conforms to
128 departmental rules for the production of grade A milk products;
129 (g) ensure that the dairy animals on the premises are:
130 (i) permanently and individually identifiable; and

- 131 (ii) free of tuberculosis, brucellosis, and other diseases carried through milk;
132 (h) ensure that any individual on the premises performing any work in connection with
133 the production, bottling, packaging, handling, or sale of raw milk or a raw milk
134 product is free from communicable disease;
135 (i) refrain from offering raw milk or a raw milk product for sale until:
136 (i) the department or a third party certified by the department tests each batch of raw
137 milk or raw milk used to produce a raw milk product for the standard bacterial
138 count and coliform count described in Section 4-3-603; and
139 (ii) the test results meet the minimum standards established under Section 4-3-603 for
140 the tests taken under this Subsection (2)(i);
141 (j) ensure that the plant complies with Chapter 5, Utah Wholesome Food Act, and the
142 rules governing food establishments enacted under Section 4-5-301; and
143 (k) comply with the applicable rules made in accordance with Title 63G, Chapter 3,
144 Utah Administrative Rulemaking Act, as authorized by this chapter.

- 145 (3)(a) A producer may distribute, sell, deliver, hold, store, or offer raw milk or a raw
146 milk product from a mobile unit, if the raw milk or raw milk product is maintained
147 through mechanical refrigeration at 41 degrees Fahrenheit or a lower temperature.
148 (b) A producer may transport raw milk or a raw milk product from the premises where
149 the raw milk or raw milk product is produced and sell the raw milk or raw milk
150 product at a retail establishment if the producer ensures that the raw milk or raw milk
151 product is transported by a designated agent, a third party vendor, or employee of the
152 producer in a mobile unit with mechanical refrigeration where the raw milk or raw
153 milk product is maintained at 41 degrees Fahrenheit or a lower temperature.
154 (4) A person who conducts a test required by Subsection (2)(i) shall send a copy of the test
155 results to the department as soon as the test results are available.

156 Section 5. Section **4-3-603** is enacted to read:

157 **4-3-603 . Prohibited counts -- Pathogens.**

- 158 (1)(a) The bacterial count of raw milk or raw milk used to produce a raw milk product
159 may not exceed 20,000 colony forming units per milliliter.
160 (b) If the bacterial count of raw milk or the raw milk used to produce the raw milk
161 product exceeds 40,000 colony forming units per milliliter or if the producer is
162 implicated in a foodborne illness outbreak:
163 (i) the department or third party certified by the department shall test the raw milk;
164 and

- 165 (ii) the raw milk may not contain a pathogen listed in Subsection (3).
- 166 (2)(a) The coliform count of raw milk or raw milk used to produce a raw milk product
 167 may not exceed 10 colony forming units per milliliter.
- 168 (b) If the coliform count of raw milk or the raw milk used to produce the raw milk
 169 product exceeds 20 colony forming units per milliliter or if the producer is implicated
 170 in a foodborne illness outbreak:
- 171 (i) the department or third party certified by the department shall test the raw milk;
 172 and
- 173 (ii) the raw milk may not contain a pathogen listed in Subsection (3).
- 174 (3) The pathogens described in Subsections (1) and (2) are:
- 175 (a) shiga toxin-producing e. coli;
- 176 (b) listeria monocytogenes;
- 177 (c) salmonella; and
- 178 (d) campylobacter.

179 Section 6. Section **4-3-604** is enacted to read:

180 **4-3-604 . Labeling.**

- 181 (1) A producer shall label the container of raw milk or a raw milk product with a label that
 182 states "raw milk" or "raw milk product" and meets the labeling requirements under 21
 183 C.F.R. Parts 101 and 131 and rules made by the department.
- 184 (2) In addition to complying with Subsection (1), a producer shall label the container
 185 described in Subsection (1) with:
- 186 (a) a date, no more than nine days after the raw milk or raw milk product is produced, by
 187 which the raw milk or raw milk product should be sold;
- 188 (b) the statement: "Raw milk or raw milk products, no matter how carefully produced,
 189 may be unsafe.";
- 190 (c) handling instructions to preserve quality and avoid contamination or spoilage;
- 191 (d) a specific colored label as determined by the department by rule; and
- 192 (e) any other information required by rule made in accordance with Title 63G, Chapter
 193 3, Utah Administrative Rulemaking Act.

194 Section 7. Section **4-3-605** is enacted to read:

195 **4-3-605 . Suspension of permit.**

- 196 (1) The department shall suspend a permit issued under Section 4-3-301 if:
- 197 (a) two out of four consecutive samples or two samples in a 30-day period violate
 198 standards established under Section 4-3-603; or

- 199 **(b)** a producer violates this part or a rule made by the department, in accordance with
200 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as authorized by this
201 part.
- 202 **(2)** The department may reissue a permit that has been suspended under this section if the
203 producer:
- 204 **(a)** obtains a test result that meets the standards described in Subsections 4-3-603(1) and
205 (2); and
- 206 **(b)** complies with all of the requirements of this part and rules made by the department,
207 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as
208 authorized by this part.
- 209 **(3)** Upon written request by a producer with a suspended permit, the department shall
210 provide the producer information on how to request a hearing regarding the department's
211 decision to suspend the permit.

212 Section 8. Section **4-3-606** is enacted to read:

213 **4-3-606 . Foodborne illness outbreak -- Cease and desist.**

- 214 **(1)(a)** Nothing in this chapter shall impede the Department of Health and Human
215 Services or the department in an investigation of a foodborne illness outbreak.
- 216 **(b)** Notwithstanding Subsection (1)(a), if the Department of Health and Human Services
217 or the department uses a survey to determine whether there is a foodborne illness
218 outbreak linked to raw milk or a raw milk product, the survey shall include questions
219 that probe the common sources of the implicated pathogen for the foodborne illness
220 outbreak.
- 221 **(2)(a)** The department shall issue a cease and desist order to a producer prohibiting the
222 sale of raw milk or a raw milk product if after the investigation of a foodborne illness
223 outbreak the department links the foodborne illness outbreak to a producer pending
224 testing required by Subsection (4).
- 225 **(b)** For purposes of the cease and desist order, to positively link a producer to a
226 foodborne illness outbreak, the department shall produce evidence from the
227 investigation under Subsection (1) that the foodborne illness outbreak originated with
228 the producer's raw milk or raw milk product.
- 229 **(c)** A producer who receives a cease and desist order from the department shall stop the
230 sale of the raw milk product named in the cease and desist order.
- 231 **(3)(a)** Subject to the requirements of Subsection (3)(b), the following may notify the
232 public of a foodborne illness outbreak linked to raw milk or a raw milk product:

- 233 (i) the department;
234 (ii) the Department of Health and Human Services in accordance with Section
235 26B-1-202; and
236 (iii) a local health department.
- 237 (b) Before an agency listed in Subsection (3)(a) may publicly disclose a producer's name
238 or identifying information, the department shall notify the producer that the
239 department has linked the producer to a foodborne illness outbreak with a positive
240 whole genome sequencing test.
- 241 (c) Before publicly disclosing a producer's name or identifying information under
242 Subsection (3)(b), the Department of Health and Human Services or a local health
243 department shall verify that the department notified the producer that the department
244 has linked the producer to a foodborne illness with a positive whole genome
245 sequencing test.
- 246 (4)(a) A cease and desist order shall remain in effect until the department:
247 (i) verifies that the producer who is subject to the cease and desist order adheres to
248 this part and has three consecutive tests of the raw milk product that show that the
249 raw milk product meets the standards described in Subsections 4-3-603(1) and (2)
250 and is free of the pathogens listed in Subsection 4-3-603(3); or
251 (ii) receives a genome sequencing test result that demonstrates that the producer's raw
252 milk product is not linked to the foodborne illness outbreak that is the subject of
253 the cease and desist order.
- 254 (b) The department shall notify a producer who is subject to a cease and desist order that
255 the cease and desist order is not in effect within one working day of the conditions of
256 Subsection (4)(a) being met.
- 257 (5)(a) The department shall collect a sample within two working days of issuing a cease
258 and desist order for the purpose of the department testing or submitting the sample to
259 a laboratory for testing, at the discretion of the producer:
260 (i) for purposes of testing for a pathogen listed in Subsection 4-3-603(3); and
261 (ii) if the department wants to publicly disclose a producer's name or identifying
262 information under Subsection (3), whole genome sequencing testing.
- 263 (b) For purposes of a test described in Subsection (4)(a)(i), the department shall collect a
264 sample for each test within two working days of the producer requesting that a
265 sample be collected.
- 266 (c) The time between the department collecting the sample under Subsection (5)(a)(ii)

267 and the department notifying the producer of whole genome sequencing test results
268 may not exceed 15 working days unless, before the 15-working day period expires,
269 the department notifies the producer in writing that the department requires additional
270 time to notify the producer of the whole genome sequencing test results.

271 (d)(i) Upon the producer's request and the producer being liable for the costs of the
272 second laboratory, the department shall have the sample collected under
273 Subsection (5)(a) analyzed by two laboratories.

274 (ii) The producer shall select the second laboratory from a list of laboratories
275 approved by the department.

276 (6) Upon written request by a producer with a cease and desist order, the department shall
277 provide the producer information on how to request a hearing regarding the department's
278 decision to issue the cease and desist order.

279 Section 9. Section **4-3-607** is enacted to read:

280 **4-3-607 . Department rulemaking -- Fees -- Penalties and enforcement.**

281 (1)(a) Rules made by the department, in accordance with Title 63G, Chapter 3, Utah
282 Administrative Rulemaking Act, shall include rules regarding:

283 (i) permits;

284 (ii) building and premises requirements;

285 (iii) sanitation and operating requirements, including bulk milk tank requirements;

286 (iv) additional tests;

287 (v) use of a third-party testing laboratory within or outside of the state;

288 (vi) frequency of inspections, including random cooler checks;

289 (vii) recordkeeping; and

290 (viii) packaging and labeling.

291 (b) The department may make rules, in accordance with Title 63G, Chapter 3, Utah
292 Administrative Rulemaking Act, regarding the standards of identity for a raw milk
293 product.

294 (c) A producer operating under Section 4-3-608 or 4-3-609 is exempt from a rule made
295 by the department under this part.

296 (2)(a) The department may establish and collect a fee in accordance with Section
297 63J-1-504 for the testing or an inspection conducted in accordance with this part.

298 (b) Notwithstanding Section 63J-1-504, the department shall retain the fee imposed
299 under this Subsection (2) as a dedicated credit and may only use the fee to administer
300 and enforce this part.

- 301 (3)(a) If the Department of Health and Human Services or the department links a
302 producer's raw milk or raw milk product to a foodborne illness outbreak and the
303 department finds that the producer has violated this part, the department may impose
304 upon the producer the following administrative penalties:
- 305 (i) upon the first violation, a penalty of no more than \$300;
 - 306 (ii) upon a second violation, a penalty of no more than \$750; and
 - 307 (iii) upon a third or subsequent violation, a penalty of no more than \$1,500.
- 308 (b) The department may impose the penalties described in Subsection (2)(a) in addition
309 to:
- 310 (i) suspending a permit under Section 4-3-605; or
 - 311 (ii) issuing a cease and desist order under Section 4-3-606.

312 Section 10. Section **4-3-608** is enacted to read:

313 **4-3-608 . Exemption for sales and deliveries from farm.**

- 314 (1) A producer may sell raw milk or a raw milk product if the producer complies with this
315 section without:
- 316 (a) obtaining a permit under Section 4-3-301; or
 - 317 (b) meeting the requirements of Sections 4-3-602 through 4-3-605.
- 318 (2) To be exempt under this section, the producer shall:
- 319 (a) sell the raw milk or raw milk product to a consumer for household use and not for
320 resale;
 - 321 (b) sell and deliver the raw milk or raw milk product upon the premises where the raw
322 milk or raw milk product is produced, except the producer may use a designated
323 agent to deliver the raw milk or raw milk product directly to the consumer who
324 purchases the raw milk or raw milk product;
 - 325 (c) label the raw milk or raw milk product with:
 - 326 (i) the producer's name and address;
 - 327 (ii) a date, no more than nine days after the raw milk or raw milk product is
328 produced, by which the raw milk or raw milk product should be sold;
 - 329 (iii) the statement: "This raw milk or raw milk product has not been licensed or
330 inspected by the state of Utah. Raw milk or a raw milk product, no matter how
331 carefully produced, may be unsafe."; and
 - 332 (iv) handling instructions to preserve quality and avoid contamination or spoilage;
 - 333 (d) cool the raw milk or raw milk used to produce a raw milk product:
 - 334 (i) to 50 degrees Fahrenheit or a lower temperature within one hour after being drawn

- 335 from the animal; and
336 (ii) to 41 degrees Fahrenheit or a lower temperature within two hours of being drawn
337 from the animal;
338 (e) conduct a monthly test ensuring the coliform count of the raw milk or the raw milk
339 used to produce a raw milk product does not exceed 10 colony-forming units per
340 milliliter;
341 (f) ensure that the dairy animals on the producer's premises are free of tuberculosis,
342 brucellosis, and other diseases carried through milk;
343 (g) maintain records of tests for a minimum of six months; and
344 (h) notify the department of the producer's intent to sell raw milk or a raw milk product
345 in accordance with this section and include in the notification the producer's name
346 and address.

347 Section 11. Section **4-3-609** is enacted to read:

348 **4-3-609 . Exemption for small producers.**

349 Notwithstanding the other provisions of this part, a producer may manufacture,
350 distribute, sell, deliver, hold, store, or offer for sale raw milk or a raw milk product without
351 obtaining a permit or complying with this part if the producer produces 500 gallons of raw
352 milk or less in a month that the producer:

- 353 (1) maintains as raw milk; or
354 (2) uses to produce a raw milk product.

355 Section 12. Section **4-3-610** is enacted to read:

356 **4-3-610 . Severability.**

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

362 Section 13. **Repealer.**

363 This bill repeals:

364 Section **4-3-503, Sale of raw milk products -- Suspension of producer's permit --**
365 **Severability not permitted.**

366 Section 14. **Effective Date.**

367 This bill takes effect on May 6, 2026.