

DIRECT TO CONSUMER FOOD SALES MODIFICATIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill modifies Title 4, Utah Agricultural Code, by enacting the Home Consumption and Food Regulation Act.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ states that a producer of certain kinds of food is exempt from certain state, county, or city regulations regarding the preparation, serving, use, consumption, or storage of food and food products that are:

- produced and sold within the state;
- sold directly to an informed end consumer; and
- for home consumption.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

4-5a-101, Utah Code Annotated 1953**4-5a-102**, Utah Code Annotated 1953

28 **4-5a-103**, Utah Code Annotated 1953

29 **4-5a-104**, Utah Code Annotated 1953

30 **4-5a-105**, Utah Code Annotated 1953

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

33 Section 1. Section **4-5a-101** is enacted to read:

34 **CHAPTER 5a. HOME CONSUMPTION AND FOOD REGULATION ACT**

35 **4-5a-101. Title.**

36 This chapter is known as the "Home Consumption and Food Regulation Act."

37 Section 2. Section **4-5a-102** is enacted to read:

38 **4-5a-102. Definitions.**

39 (1) (a) "Commercial establishment" means a wholesale or retail business that displays,
40 sells, manufactures, processes, packs, holds, or stores food, drugs, devices, or cosmetics.

41 (b) "Commercial establishment" does not include a:

42 (i) direct-to-sale location; or

43 (ii) farmers market.

44 (2) "Direct-to-sale location" means a farm, ranch, farmers market, home, office, or any
45 location agreed upon by both a producer and the informed end consumer where a producer sells
46 a food or food product to an informed end consumer.

47 (3) "Farmers market" means a public or private facility or area where producers gather
48 on a regular basis to sell fresh food, locally grown products, and other food items directly to a
49 consumer.

50 (4) "Food product" means a substance that can be used, or prepared for use, as food or
51 drink.

52 (5) "Home consumption" means the use or ingestion of food or a food product within a
53 private home by a family member, an employee, or a nonpaying guest.

54 (6) "Informed end consumer" means an individual who:

55 (a) is the last individual to purchase a product;

56 (b) does not resell the product; and

57 (c) has been informed that the product is not certified, licensed, regulated, or inspected
58 by the state.

(7) "Producer" means a person who harvests or produces food or a food product.

Section 3. Section **4-5a-103** is enacted to read:

4-5a-103. Farmer-to-consumer direct sales -- Exempt from regulation.

(1) A producer is exempt from state, county, or city licensing, permitting, certification, inspection, packaging, and labeling requirements related to the preparation, serving, use, consumption, or storage of food and food products if:

(a) the producer complies with the requirements of this chapter; and

(b) the food or food product is:

(i) produced and sold within the state;

(ii) sold directly to an informed end consumer; and

(iii) for home consumption.

(2) (a) Except as provided in Subsection (2)(b), food or a food product that is exempt from certain regulations as described in this chapter may not be sold to, or used by, a restaurant or commercial establishment.

(b) A producer may sell a raw, unprocessed fruit or vegetable to a restaurant or commercial establishment.

(3) A producer selling food or food products exempt under this section shall, before purchase, state to the informed end consumer that the food or food product is not certified, licensed, regulated, or inspected by the state or any county or city.

Section 4. Section **4-5a-104** is enacted to read:

4-5a-104. Limitations.

(1) Nothing in this chapter:

(a) shall be construed to impede the Department of Health in an investigation of food borne illness;

(b) prohibits a state agency from providing assistance, consulting, or inspecting when requested by a producer;

(c) affects the registration of cottage food production operations as food establishments; or

(d) affects the authority of the Department of Health or the Department of Agriculture and Food to certify, license, regulate, or inspect food or food products that are not exempt from certification, licensing, regulation, or inspection as described in this chapter.

90 (2) The department may not, by rule, impose an additional limit, requirement, or
91 restriction on a producer selling food or a food product under this section.

92 Section 5. Section **4-5a-105** is enacted to read:

93 **4-5a-105. Meat exempted.**

94 This chapter does not apply to any meat, wild game, wild fish, or poultry, except the
95 sale of poultry and poultry products consistent with this chapter and federal code and federal
96 regulations.

Legislative Review Note
Office of Legislative Research and General Counsel