

GROWING OF FOOD

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill provides that certain food grown by an individual for consumption by the individual's family is not subject to local or federal regulation and that certain food grown or stored by an individual for consumption by the individual's family may not be confiscated by a government entity.

Highlighted Provisions:

This bill:

- ▶ defines "family food";
- ▶ prohibits local or federal regulation of certain food that is grown by an individual for consumption by the individual or the individual's family unless:
 - the food poses a risk to health, the spreading of insect infestation, or the spreading of agricultural disease; or
 - the food is unlawfully possessed; and
- ▶ prohibits a government entity from confiscating certain food that is grown or stored by an individual for consumption by the individual or the individual's family unless:
 - the food poses a risk to health, the spreading of insect infestation, or the spreading of agricultural disease; or
 - the food is unlawfully possessed.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

30 Utah Code Sections Affected:

31 ENACTS:

32 **4-1-9**, Utah Code Annotated 1953

33

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

35 Section 1. Section **4-1-9** is enacted to read:

36 **4-1-9. Growing or storing food for personal or family use.**

37 (1) As used in this section, "family food" means food owned by an individual that is
38 intended for the individual's consumption, or for consumption by members of the individual's
39 immediate family, that:

40 (a) is legal for human consumption;

41 (b) is lawfully possessed; and

42 (c) poses no risk:

43 (i) to health;

44 (ii) of spreading insect infestation; or

45 (iii) of spreading agricultural disease.

46 (2) Family food that is grown by an individual on the individual's property is not
47 subject to local or federal regulation if growth of the family food:

48 (a) does not negatively impact the rights of adjoining property owners; and

49 (b) complies with the food safety requirements of this title.

50 (3) A government entity may not confiscate family food described in Subsection (2) or
51 family food that is stored by the owner in the owner's home or dwelling.

52 (4) If any provision of this section or the application of any provision of this section to
53 any person or circumstance is held invalid by a final decision of a court of competent
54 jurisdiction, the remainder of this section shall be given effect without the invalid provision or
55 application. The provisions of this section are severable.