

**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

---

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.

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

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

61 **4-5a-103. Farmer-to-consumer direct sales -- Exempt from regulation.**

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

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

66 (b) the food or food product is:

67 (i) produced and sold within the state;

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

69 (iii) for home consumption.

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

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

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

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

79 **4-5a-104. Limitations.**

80 (1) Nothing in this chapter:

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

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

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

87 (d) affects the authority of the Department of Health or the Department of Agriculture  
88 and Food to certify, license, regulate, or inspect food or food products that are not exempt from  
89 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**