

Representative Marc K. Roberts proposes the following substitute bill:

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 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;
 - for home consumption; and
 - non-potentially hazardous.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 ENACTS:

27 **4-5a-101**, Utah Code Annotated 1953

28 **4-5a-102**, Utah Code Annotated 1953

29 **4-5a-103**, Utah Code Annotated 1953

30 **4-5a-104**, Utah Code Annotated 1953

31

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 For purposes of this chapter:

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

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

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

44 (ii) farmers market.

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

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

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

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

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

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

57 (b) does not resell the product; and
58 (c) has been informed that the product is not certified, licensed, regulated, or inspected
59 by the state.

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

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

62 **4-5a-103. Farmer-to-consumer direct sales -- Exempt from regulation.**

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

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

67 (b) the food or food product is:

68 (i) produced and sold within the state;

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

70 (iii) for home consumption; and

71 (iv) non-potentially hazardous and does not require refrigeration, including pickled
72 vegetables, spices, tea, nuts, seeds, honey, jam, jelly, granola, herb blends, fruit butter, candy,
73 or other non-potentially hazardous food.

74 (2) Food or food products sold under this section shall be labeled with:

75 (a) the producer's name and address;

76 (b) a disclosure statement indicating that the product is:

77 (i) not for resale; and

78 (ii) processed and prepared without state or local inspection; and

79 (c) a statement listing whether the food or food product contains, or was prepared in a
80 location that also handles, common allergens including milk, soy, wheat, eggs, peanuts, or tree
81 nuts.

82 (3) A producer selling food or food products under this section shall obtain a temporary
83 or official food handler certificate before selling a food or food product to an informed end
84 consumer.

85 (4) (a) Except as provided in Subsection (4)(b), food or a food product that is exempt
86 from certain regulations as described in this chapter may not be sold to, or used by, a restaurant
87 or commercial establishment.

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

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

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

94 **4-5a-104. Limitations.**

95 (1) Nothing in this chapter:

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

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

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

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