

HOUSE BILL NO. HB0011

Wyoming homemade products.

Sponsored by: Representative(s) Wallis and Hallinan and
Senator(s) Vasey

A BILL

for

1 AN ACT relating to health and safety; exempting homemade
2 food product kitchens from licensing and inspection as
3 specified; modifying requirements for existing exemption
4 for home produced foods; providing for regulations;
5 providing definitions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 35-7-110(a)(xi), by creating new
10 paragraphs (xxviii) through (xxx) and by renumbering
11 paragraph (xxviii) as (xxxi), 35-7-119 by creating a new
12 subsection (f), 35-7-121(a)(i), (ii) and by creating a new
13 subsection (h) and 35-7-124(e) are amended to read:

14

15 **35-7-110. Definitions.**

16

1 (a) As used in this act:

2

3 (xi) "Establishment" means and includes any
4 place or any area of any establishment in which foods,
5 drugs, devices and cosmetics are displayed for sale,
6 manufactured, processed, packed, held or stored but does
7 not include Wyoming homemade product operations;

8

9 (xxviii) "Home" means the primary residence in
10 Wyoming occupied by the residence's owner, on the condition
11 that the residence, excluding an apartment located in the
12 primary residence, contains only one (1) stove or oven used
13 for cooking, which may be a double oven, designed for
14 common residential usage and not for commercial usage, and
15 that the stove or oven be operated in an ordinary kitchen
16 within the residence;

17

18 (xxix) "Potentially hazardous food" means a
19 nonmeat food that is natural or synthetic, with a pH level
20 greater than four and six tenths (4.6) or a water activity
21 value greater than eighty-five one hundredths (.85) or that
22 requires temperature control because it is in a form
23 capable of supporting the rapid and progressive growth of
24 infectious or toxigenic microorganisms, the growth and

1 toxin production of clostridium botulinum or, in raw shell
2 eggs, the growth of salmonella enteritidis;

3
4 (xxx) "Wyoming homemade product operation" means
5 a person who, in the person's home, produces food items
6 including, but not limited to, bakery products that are not
7 potentially hazardous foods, jams, jellies, candy, apple
8 butter and similar products and are only offered for sale
9 within the state for home consumption. "Wyoming homemade
10 product operation" does not include persons processing
11 acidic food, low acid canned foods or potentially hazardous
12 foods;

13
14 ~~(xxviii)~~(xxxi) "This act" means W.S. 35-7-109
15 through 35-7-127.

16
17 **35-7-119. Fair packaging and labeling provisions.**

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19 (f) In addition to any other requirements provided by
20 this section, a Wyoming homemade product operation shall
21 include the following information on the label of each of
22 their food products:

1 (i) The name, address and telephone number of
2 the business of the Wyoming homemade product operation;

3
4 (ii) The name of the food product;

5
6 (iii) The ingredients of the food product;

7
8 (iv) If the product is sold by weight or volume,
9 the net weight or volume of the food product in weights and
10 measures in customary use in the United States. If the
11 product is not sold by weight or volume the label shall so
12 state;

13
14 (v) The date the product was produced; and

15
16 (vi) A statement in not less than ten (10) point
17 type that reads "This product is home produced and not
18 subject to state inspection".

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20 **35-7-121. Inspections; examinations.**

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22 (a) For purposes of enforcement of this act, the
23 director or a local health department official may, upon

1 presenting appropriate credentials to the owner, operator
2 or agent in charge:

3

4 (i) Enter at reasonable time any factory,
5 warehouse or establishment, not including a Wyoming
6 homemade product operation, in which food, drugs, devices
7 or cosmetics are manufactured, processed or packed or held
8 for introduction into commerce or after introduction or to
9 enter any vehicle being used to transport or hold the food,
10 drugs, devices or cosmetics in commerce; and

11

12 (ii) Inspect at any reasonable times and within
13 reasonable limits and in a reasonable manner any factory,
14 warehouse, establishment or vehicle, not including a
15 Wyoming homemade product operation, and all pertinent
16 equipment, finished and unfinished materials, containers
17 and labeling therein, and to obtain samples necessary to
18 the enforcement of this act, except that paragraph (i) of
19 this subsection and this paragraph do not permit the
20 director to inspect any establishment solely because it
21 holds prepackaged food, drugs or cosmetics for retail sale
22 by that establishment. The frequency of inspections shall
23 be based on the relative food safety risk that the factory,
24 warehouse, establishment or vehicle presents to the public,

1 with no such facility receiving less than one (1)
2 inspection per year;

3
4 (h) All food products, including those produced and
5 packaged by a Wyoming homemade product operation, are
6 subject to food sampling conducted by the director or a
7 representative of the director to determine if a food
8 product is misbranded or adulterated. In order to protect
9 public health, the department may adopt rules regulating
10 Wyoming homemade product operations which may include
11 requiring the filing of documentation supporting the
12 operation's classification as a Wyoming homemade product
13 operation and the operator's understanding of sanitary
14 facilities and controls.

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16 **35-7-124. License required; exemptions; electronic**
17 **transmittals.**

18
19 (e) The provisions of subsection (a) of this section
20 shall not apply to:

21
22 (i) Food operators or kitchens in private homes
23 that prepare food ~~that is not~~ other than potentially
24 hazardous food and which is prepared for sale or use at

1 functions, including those operated by not for profit
2 charitable or religious organizations;÷ or

3

4 (ii) ~~For purposes of this section, "food that is~~
5 ~~not potentially hazardous" means foods prepared in a way~~
6 ~~that results in mixtures that do not support the growth of~~
7 ~~microorganisms, including cakes, cookies, dinner rolls and~~
8 ~~bread~~ Wyoming homemade product operations.

9

10 **Section 2.** This act is effective July 1, 2008.

11

12 (END)