

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Cottage food industry.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to food safety; providing a new definition;
2 amending license requirements; and providing for an
3 effective date.

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

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7 **Section 1.** W.S. 35-7-110(a) by creating a new
8 paragraph (xxviii) and by renumbering paragraph (xxviii)
9 as (xxix) and 35-7-124(a) and (b) are amended to read:

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11 **35-7-110. Definitions.**

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13 (a) As used in this act:

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(xxviii) "Limited processing" means the processing of a raw agricultural product which does not alter its natural state;

~~(xxviii)~~(xxix) "This act" means W.S. 35-7-109 through 35-7-127.

35-7-124. License required; exemptions; electronic transmittals.

(a) Any person processing, ~~distributing,~~ storing or preparing any food for ~~wholesale or retail use~~ sale or distribution to the general public shall obtain a license from the department of agriculture or a local health department. The license is not transferable, shall be renewed on an annual basis and shall be prominently displayed in the establishment. No food establishment shall serve, hold for sale or sell food to the public without a valid license. An agricultural producer shall be exempt from the licensure requirement in this section for limited processing, distributing, storing or sale of any raw agricultural commodity he produces.

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2 (b) Written application for a new license shall be

3 made on a form approved by the department of agriculture

4 and provided by the department of agriculture or the local

5 health department and shall be signed by the applicant. ~~An~~6 ~~initial license fee of one hundred dollars (\$100.00) shall~~7 ~~accompany each application. The license fee for a temporary~~8 ~~food event shall be twenty five dollars (\$25.00) which~~9 ~~event shall not exceed fourteen (14) days. License~~10 ~~requirements and~~ fees for temporary food events operated by

11 nonprofit organizations shall be waived. Licenses shall

12 expire one (1) year after the date of issuance unless

13 suspended or revoked. Licenses may be renewed each year

14 upon application to the department or local health

15 department. ~~accompanied by a fee of fifty dollars (\$50.00).~~16 ~~Any establishment which has a license on the effective date~~17 ~~of this section shall pay a fee of fifty dollars (\$50.00)~~18 ~~for the following year and shall not be liable to pay the~~19 ~~initial license fee of one hundred dollars (\$100.00). The~~20 ~~director shall establish license categories and fees by~~21 ~~rule and no fee shall exceed two hundred dollars (\$200.00).~~

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23 **Section 2.** This act is effective July 1, 2009.

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(END)