

ENROLLED ACT NO. 38, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2009 GENERAL SESSION

AN ACT relating to food safety; providing new definitions; amending license requirements; and providing for an effective date.

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

Section 1. W.S. 35-7-110(a) by creating new paragraphs (xxviii) through (xxx) and by renumbering paragraph (xxviii) as (xxxi) and 35-7-124(a), (b) and (e) are amended to read:

35-7-110. Definitions.

(a) As used in this act:

(xxviii) "Farmers market" means a common facility or area where several vendors may gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables, locally grown farm products and other items directly to consumers;

(xxix) "Function" means any official ceremony or organized social occasion;

(xxx) "Not potentially hazardous food" means any food which does not require time or temperature control for safety to limit pathogenic microorganism growth or toxin formation. The natural pH or the final pH of acidified food must be 4.6 or less;

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

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

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(a) Any person processing, distributing, storing or preparing any food for ~~wholesale or retail use~~ sale 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 processing, distributing, storing or sale of any raw agricultural commodity he produces.

(b) Written application for a new license shall be made on a form approved by the department of agriculture and provided by the department of agriculture or the local health department and shall be signed by the applicant. ~~An initial license fee of one hundred dollars (\$100.00) shall accompany each application. The license fee for a temporary food event shall be twenty five dollars (\$25.00) which event shall not exceed fourteen (14) days.~~ License requirements and fees for temporary food events operated by nonprofit organizations shall be waived. Licenses shall expire one (1) year after the date of issuance unless suspended or revoked. Licenses may be renewed each year upon application to the department or local health department. ~~accompanied by a fee of fifty dollars (\$50.00). Any establishment which has a license on the effective date of this section shall pay a fee of fifty dollars (\$50.00) for the following year and shall not be liable to pay the initial license fee of one hundred dollars (\$100.00).~~ The director shall establish license categories and fees by rule and no fee shall exceed one hundred dollars (\$100.00).

(e) The provisions of subsection (a) of this section shall not apply to food operators or kitchens in private

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homes that prepare food that is not potentially hazardous and prepared for sale or use at ~~functions, including~~ farmers' markets, roadside stands, private homes and at functions including, but not limited to those operated by not for profit charitable or religious organizations. ~~For purposes of this section, "food that is not potentially hazardous" means foods prepared in a way that results in mixtures that do not support the growth of microorganisms, including cakes, cookies, dinner rolls and breads.~~

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk