

HOUSE BILL NO. HB0016

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 new definitions;
2 amending license requirements; and providing for an
3 effective date.

4

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

6

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

11

12 **35-7-110. Definitions.**

13

14 (a) As used in this act:

15

1 (xxviii) "Cottage food establishment" means a
2 licensed establishment in a person's private home utilizing
3 home style equipment in producing a nonpotentially
4 hazardous food for sale or distribution to the general
5 public;

6
7 (xxix) "Function" means any gathering or
8 occasion;

9
10 (xxx) "Not potentially hazardous food" means any
11 food which does not require time or temperature control for
12 safety to limit pathogenic microorganism growth or toxin
13 formation. The natural pH or the final pH of acidified
14 food must be 4.6 or less;

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

18
19 **35-7-124. License required; exemptions; electronic**
20 **transmittals.**

21
22 (a) Any person processing, ~~distributing,~~ storing or
23 preparing any food for ~~wholesale or retail use~~ sale shall
24 obtain a license from the department of agriculture or a

1 local health department. The license is not transferable,
2 shall be renewed on an annual basis and shall be
3 prominently displayed in the establishment. No food
4 establishment shall serve, hold for sale or sell food to
5 the public without a valid license. An agricultural
6 producer shall be exempt from the licensure requirement in
7 this section for processing, distributing, storing or sale
8 of any raw agricultural commodity he produces.

9
10 (b) Written application for a new license shall be
11 made on a form approved by the department of agriculture
12 and provided by the department of agriculture or the local
13 health department and shall be signed by the applicant. ~~An~~
14 ~~initial license fee of one hundred dollars (\$100.00) shall~~
15 ~~accompany each application. The license fee for a temporary~~
16 ~~food event shall be twenty five dollars (\$25.00) which~~
17 ~~event shall not exceed fourteen (14) days.~~ License
18 requirements and fees for temporary food events operated by
19 nonprofit organizations shall be waived. Licenses shall
20 expire one (1) year after the date of issuance unless
21 suspended or revoked. Licenses may be renewed each year
22 upon application to the department or local health
23 department. ~~accompanied by a fee of fifty dollars (\$50.00).~~
24 ~~Any establishment which has a license on the effective date~~

1 ~~of this section shall pay a fee of fifty dollars (\$50.00)~~
2 ~~for the following year and shall not be liable to pay the~~
3 ~~initial license fee of one hundred dollars (\$100.00)~~ The
4 director shall establish license categories and fees by
5 rule and no fee shall exceed two hundred dollars (\$200.00).

6
7 (e) The provisions of subsection (a) of this section
8 shall not apply to food operators or kitchens in private
9 homes that prepare food that is not potentially hazardous
10 and prepared for sale or use at ~~functions, including~~
11 farmers' markets, roadside stands, private homes and at
12 functions including, but not limited to those operated by
13 not for profit charitable or religious organizations. ~~For~~
14 ~~purposes of this section, "food that is not potentially~~
15 ~~hazardous" means foods prepared in a way that results in~~
16 ~~mixtures that do not support the growth of microorganisms,~~
17 ~~including cakes, cookies, dinner rolls and breads.~~

18
19 **Section 2.** This act is effective July 1, 2009.

20
21 (END)