

HOUSE BILL NO. HB0011

Wyoming Food Freedom Act.

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

A BILL

for

1 AN ACT relating to agriculture; creating the Wyoming Food
2 Freedom Act; exempting certain sales from licensure,
3 certification and inspection; providing definitions;
4 providing conforming amendments; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 11-49-101 through 11-49-103 are
10 created to read:

11

12 CHAPTER 49

13 WYOMING FOOD FREEDOM ACT

14

15 **11-49-101. Short title.**

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1 This article is known and may be cited as the "Wyoming Food
2 Freedom Act."

3

4 **11-49-102. Definitions.**

5

6 (a) As used in this article:

7

8 (i) "Delivery" means the transfer of a product
9 resulting from a transaction between a producer, or by the
10 producer's designated agent, and an informed end consumer.
11 The delivery may occur at a farm, ranch, farmers market,
12 home, office or any location agreed to between the producer
13 and the informed end consumer;

14

15 (ii) "Farmers market" means as defined in W.S.
16 35-7-110(a)(xxviii);

17

18 (iii) "Home consumption" means consumed within a
19 private home;

20

21 (iv) "Homemade" means food that is prepared in a
22 private home kitchen, and the food is not licensed,
23 inspected or regulated;

24

1 (v) "Informed end consumer" means a person who
2 is the last person to purchase any product, who does not
3 resell the product and who has been informed that the
4 product is not licensed, regulated or inspected;

5

6 (vi) "Producer" means any person who harvests
7 any product of the soil or animals for food or drink;

8

9 (vii) "Transaction" means the exchange of buying
10 and selling.

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12 **11-49-103. Wyoming Food Freedom Act; purpose.**

13

14 (a) The purpose of the Wyoming Food Freedom Act is to
15 allow for the sale and consumption of homemade foods and to
16 encourage the expansion and accessibility of farmers
17 markets, ranch, farm and home based sales and producer to
18 informed end consumer agricultural sales by:

19

20 (i) Facilitating the purchase and consumption of
21 fresh and local agricultural products;

22

23 (ii) Enhancing the agricultural economy;

24

1 (iii) Providing Wyoming citizens with unimpeded
2 access to healthy food from known sources; and

3

4 (iv) Encouraging the expansion and accessibility
5 of farmers markets, ranch and farm based sales and direct
6 producer to informed end consumer agricultural sales.

7

8 (b) Any producer who is selling his product only at
9 farmers markets or by ranch, farm and home based sales
10 directly to the informed end consumer is exempt:

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12 (i) From licensing required by W.S. 35-7-124(g);
13 and

14

15 (ii) From inspection required by W.S. 35-7-121.

16

17 (c) Product transactions under this section shall:

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19 (i) Be directly between the producer and the
20 informed end consumer;

21

22 (ii) Only be for home consumption;

23

24 (iii) Occur only in Wyoming;

1

2 (iv) Not involve interstate commerce;

3

4 (v) Not be subject to licensing, regulation or
5 inspection.

6

7 (d) Except for raw, unprocessed fruit and vegetables,
8 food shall not be sold or used in any commercial food
9 establishment unless the food has been licensed, regulated
10 or inspected.

11

12 (e) Any product sold at a farmers market shall be
13 labeled and signs shall be conspicuously posted informing
14 consumers that the product is not licensed, regulated or
15 inspected.

16

17 (f) Not potentially hazardous food as defined by W.S.
18 35-7-110(a)(xxx) shall not be licensed, regulated or
19 inspected, if it is sold at a farmers market or sold from a
20 producer to an informed end consumer.

21

22 (g) Nothing in this article shall be construed to
23 impede the Wyoming department of health in any
24 investigation of an outbreak of food borne illness.

1

2 (h) Nothing in this article shall be construed to
3 change the requirements for brand inspection or animal
4 health inspections.

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6 **Section 2.** W.S. 35-7-110(a) by creating a new
7 paragraph (xxxii) and by renumbering paragraph (xxxii) as
8 (xxxiii) and 35-7-124 by creating a new subsection (g) are
9 amended to read:

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

12

13 (a) As used in this act:

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15 (xxxii) "Commercial establishment" means and
16 includes any place or any area of any establishment that is
17 a wholesale or retail business where foods, drugs, devices
18 and cosmetics are displayed for sale, manufactured,
19 processed, packed, held or stored. "Commercial
20 establishment" shall not include:

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22 (A) Any farmers market; or

23

1 (B) Any business or person engaged in
2 transactions pursuant to W.S. 11-49-103(b);

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4 ~~(xxxi)~~(xxxii) This act means W.S. 35-7-109
5 through 35-7-127.

6

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

9

10 (g) The provisions of subsection (a) of this section
11 shall not apply to a producer selling food directly to the
12 informed end consumer at a farmers market or by ranch, farm
13 or home based sales pursuant to W.S. 11-49-103. The
14 definitions in W.S. 11-49-102 shall apply to this
15 subsection.

16

17 **Section 3.** This act is effective July 1, 2011.

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19

(END)