

HOUSE BILL NO. HB0056

Wyoming Food Freedom Act.

Sponsored by: Representative(s) Lindholm, Blake, Hunt and
Kroeker and Senator(s) Driskill

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

CHAPTER 49

12

MARKETING HOMEMADE FOODS

13

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

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

4

5 **11-49-102. Definitions.**

6

7 (a) As used in this article:

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

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16 (ii) "Farmers market" means as defined in W.S.
17 35-7-110(a)(xxviii);

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19 (iii) "Home consumption" means consumed within a
20 private home, or food from a private home that is only
21 consumed by family members, employees or nonpaying guests;

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1 (iv) "Homemade" means food that is prepared in a
2 private home kitchen, which kitchen is not licensed,
3 inspected or regulated;

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

9

10 (vi) "Producer" means any person who harvests
11 any product of the soil or poultry for food or drink;

12

13 (vii) "Transaction" means the exchange of buying
14 and selling.

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16 **11-49-103. Wyoming Food Freedom Act; purpose;**
17 **exemptions; assumption of risk.**

18

19 (a) The purpose of the Wyoming Food Freedom Act is to
20 allow for the sale and consumption of homemade foods and to
21 encourage the expansion of agricultural sales by farmers
22 markets, ranches, farms and home based producers and
23 accessibility of the same to informed end consumers by:

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2 (i) Facilitating the purchase and consumption of
3 fresh and local agricultural products;

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5 (ii) Enhancing the agricultural economy;

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7 (iii) Providing Wyoming citizens with unimpeded
8 access to healthy food from known sources.

9

10 (b) Notwithstanding any other provisions of law,
11 there shall be no licensure, permitting, certification,
12 inspection, packaging or labeling required by any state
13 governmental agency or any agency of any political
14 subdivision of the state which pertains to the preparation,
15 serving, use, consumption or storage of foods or food
16 products under the Wyoming Food Freedom Act. Nothing in
17 this article shall preclude an agency from providing
18 assistance, consultation or inspection, when requested by
19 the producer.

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21 (c) Transactions under this section shall:

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1 (i) Be directly between the producer and the
2 informed end consumer;

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4 (ii) Only be for home consumption;

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6 (iii) Occur only in Wyoming;

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8 (iv) Not involve interstate commerce;

9
10 (v) Not involve the sale of meat products,
11 except the sale of poultry and poultry products may be sold
12 under this act.

13
14 (d) Except for raw, unprocessed fruit and vegetables,
15 food shall not be sold or used in any commercial food
16 establishment unless the food has been labeled, licensed,
17 packaged, regulated or inspected as required by law.

18
19 (e) The producer shall inform the end consumer that
20 any food product or food sold at a farmers market or
21 through ranch, farm or home based sales pursuant to this
22 section is not certified, labeled, licensed, packaged,
23 regulated or inspected.

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2 (f) Not potentially hazardous food as defined by W.S.
3 35-7-110(a)(xxx) shall not be labeled, licensed, regulated,
4 packaged or inspected if it is sold at a farmers market or
5 sold from a producer to an informed end consumer.

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7 (g) Nothing in this article shall be construed to
8 impede the Wyoming department of health in any
9 investigation of food borne illness.

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11 (h) Nothing in this article shall be construed to
12 change the requirements for brand inspection or animal
13 health inspections.

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15 (j) Any informed end consumer purchasing products
16 under the Wyoming Food Freedom Act assumes the inherent
17 risks in the purchase, use or ingestion of the food or food
18 products purchased, whether those risks are known or
19 unknown, and is legally responsible for any and all damage,
20 injury or death to himself or other persons or property
21 that results from the inherent risks of purchasing or
22 ingesting food or food products under the Wyoming Food
23 Freedom Act.

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2 (k) A producer as defined by W.S. 11-49-102(a)(vi) is
3 not required to eliminate, alter or control the inherent
4 risks related to the purchase, ingestion or use of food or
5 food products related to a transaction under the Wyoming
6 Food Freedom Act, except as otherwise required under
7 subsection (e) of this section.

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9 (m) Actions based upon negligence of the producer
10 wherein the damage, injury or death is not the result of an
11 inherent risk of the purchase, ingestion or use of food or
12 food products related to a transaction under the Wyoming
13 Food Freedom Act shall be preserved pursuant to W.S.
14 1-1-109.

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16 (n) The assumption of risk provisions in subsections
17 (j) through (m) of this section apply irrespective of the
18 age of the person assuming the risk.

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20 **Section 2.** W.S. 35-7-110(a) by creating a new
21 paragraph (xxxi) and by renumbering (xxxi) as (xxxii) and
22 35-7-124 by creating a new subsection (h) are amended to
23 read:

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35-7-110. Definitions.

(a) As used in this act:

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

(A) Any farmers market; or

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

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

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

1 (h) The provisions of subsection (a) of this section
2 shall not apply to a producer selling food directly to the
3 informed end consumer at a farmers market or through
4 ranch, farm or home based sales pursuant to W.S. 11-49-103.
5 The definitions in W.S. 11-49-102 shall apply to this
6 subsection.

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8 **Section 3.** This act is effective July 1, 2015.

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(END)