

HOUSE BILL NO. HB0011

Wyoming homemade products.

Sponsored by: Representative(s) Wallis

A BILL

for

1 AN ACT relating to health and safety; exempting homemade
2 food product kitchens from licensing and inspection as
3 specified; modifying requirements for existing exemption
4 for home produced foods; providing definitions; and
5 providing for an effective date.

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

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9 **Section 1.** W.S. 35-7-110(a)(xi), by creating new
10 paragraphs (xxviii) through (xxx) and by renumbering
11 paragraph (xxviii) as (xxxi), 35-7-119 by creating a new
12 subsection (f), 35-7-121(a)(i), (ii) and by creating a new
13 subsection (h) and 35-7-124(e) are amended to read:

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15 **35-7-110. Definitions.**

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17 (a) As used in this act:

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2 (xi) "Establishment" means and includes any
3 place or any area of any establishment in which foods,
4 drugs, devices and cosmetics are displayed for sale,
5 manufactured, processed, packed, held or stored but does
6 not include Wyoming homemade product operations;

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8 (xxviii) "Home" means the primary residence
9 occupied by the residence's owner, on the condition that
10 the residence contains only one (1) stove or oven used for
11 cooking, which may be a double oven, designed for common
12 residential usage and not for commercial usage, and that
13 the stove or oven be operated in an ordinary kitchen within
14 the residence;

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16 (xxix) "Potentially hazardous food" means a
17 nonmeat food that is natural or synthetic, with a pH level
18 greater than four and six tenths (4.6) or a water activity
19 value greater than eighty-five one hundredths (.85) or that
20 requires temperature control because it is in a form
21 capable of supporting the rapid and progressive growth of
22 infectious or toxigenic microorganisms, the growth and
23 toxin production of clostridium botulinum or, in raw shell
24 eggs, the growth of salmonella enteritidis;

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(xxx) "Wyoming homemade product operation" means a person who, in the person's home, produces food items including, but not limited to, bakery products that are not potentially hazardous foods, jams, jellies, candy, apple butter and similar products and are only offered for sale within the state. "Wyoming homemade product operation" does not include persons processing acidic food, low acid canned foods or potentially hazardous foods;

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

35-7-119. Fair packaging and labeling provisions.

(f) In addition to any other requirements provided by this section, a Wyoming homemade product operation shall include the following information on the label of each of their food products:

(i) The name and address of the business of the Wyoming homemade product operation;

(ii) The name of the food product;

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(iii) The ingredients of the food product, in descending order of predominance by weight;

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(iv) The net weight and volume of the food product, both in weights and measures in customary use in the United States and metric weights and measurements; and

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(v) A statement in not less than ten (10) point type that reads "This product is home produced".

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35-7-121. Inspections; examinations.

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(a) For purposes of enforcement of this act, the director or a local health department official may, upon presenting appropriate credentials to the owner, operator or agent in charge:

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(i) Enter at reasonable time any factory, warehouse or establishment, not including a Wyoming homemade product operation, in which food, drugs, devices or cosmetics are manufactured, processed or packed or held for introduction into commerce or after introduction or to

1 enter any vehicle being used to transport or hold the food,
2 drugs, devices or cosmetics in commerce; and

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4 (ii) Inspect at any reasonable times and within
5 reasonable limits and in a reasonable manner any factory,
6 warehouse, establishment or vehicle, not including a
7 Wyoming homemade product operation, and all pertinent
8 equipment, finished and unfinished materials, containers
9 and labeling therein, and to obtain samples necessary to
10 the enforcement of this act, except that paragraph (i) of
11 this subsection and this paragraph do not permit the
12 director to inspect any establishment solely because it
13 holds prepackaged food, drugs or cosmetics for retail sale
14 by that establishment. The frequency of inspections shall
15 be based on the relative food safety risk that the factory,
16 warehouse, establishment or vehicle presents to the public,
17 with no such facility receiving less than one (1)
18 inspection per year;

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20 (h) All food products, including those produced and
21 packaged by a Wyoming homemade product operation, are
22 subject to food sampling conducted by the director or a
23 representative of the director to determine if a food
24 product is misbranded or adulterated.

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2 **35-7-124. License required; exemptions; electronic**
3 **transmittals.**

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5 (e) The provisions of subsection (a) of this section
6 shall not apply to:

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8 (i) Food operators or kitchens in private homes
9 that prepare food ~~that is not~~ other than potentially
10 hazardous food and which is prepared for sale or use at
11 functions, including those operated by not for profit
12 charitable or religious organizations; ~~or~~ or

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14 (ii) ~~For purposes of this section, "food that is~~
15 ~~not potentially hazardous" means foods prepared in a way~~
16 ~~that results in mixtures that do not support the growth of~~
17 ~~microorganisms, including cakes, cookies, dinner rolls and~~
18 ~~bread~~ Wyoming homemade product operations.

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20 **Section 2.** This act is effective July 1, 2008.

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22 (END)