

HOUSE BILL NO. HB0228

Food freedom act-2.

Sponsored by: Representative(s) Eklund, Semlek, Wallis and
Zwonitzer, Dn.

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.**

16

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) "Food product" means any product of the
19 soil or animals for food or drink, but does not include
20 milk or meat or products containing milk or meat;

21

22 (iv) "Home consumption" means consumed within a
23 private home;

24

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

4
5 (vi) "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 by a state
9 or local governmental entity;

10

11 (vii) "Producer" means any person who harvests
12 any product of the soil or animals for food or drink;

13

14 (viii) "Transaction" means the exchange of
15 buying and selling.

16

17 **11-49-103. Wyoming Food Freedom Act; purpose.**

18

19 (a) The purpose of the Wyoming Food Freedom Act is to
20 allow for the sale and consumption of homemade food
21 products and to encourage the expansion and accessibility
22 of farmers markets, ranch, farm and home based sales and
23 producer to informed end consumer agricultural sales by:

24

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

3
4 (ii) Enhancing the agricultural economy;

5
6 (iii) Providing Wyoming citizens with unimpeded
7 access to healthy food from known sources; and

8
9 (iv) Encouraging the expansion and accessibility
10 of farmers markets, ranch and farm based sales and direct
11 producer to informed end consumer agricultural sales.

12
13 (b) Any producer who is selling his food product only
14 at farmers markets or by ranch, farm and home based sales
15 directly to the informed end consumer is exempt:

16
17 (i) From licensing required by W.S. 35-7-124(g);
18 and

19
20 (ii) From inspection required by W.S. 35-7-121.

21
22 (c) Food product transactions under this section
23 shall:

24

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

3
4 (ii) Only be for home consumption;

5
6 (iii) Occur only in Wyoming;

7
8 (iv) Not involve interstate commerce;

9
10 (v) Not be subject to licensing, regulation or
11 inspection.

12
13 (d) Except for raw, unprocessed fruit and vegetables,
14 food products shall not be sold or used in any commercial
15 food establishment unless the food has been licensed,
16 regulated or inspected.

17
18 (e) Any food product sold at a farmers market shall
19 be labeled and signs shall be conspicuously posted
20 informing consumers that the product is not licensed,
21 regulated or inspected.

22
23 (f) Food defined as "not potentially hazardous" by
24 W.S. 35-7-110(a)(xxx) is not required to be licensed,

1 regulated or inspected, if it is sold at a farmers market
2 or sold from a producer to an informed end consumer.

3
4 (g) Nothing in this article shall be construed to
5 impede the Wyoming department of health in any
6 investigation of an outbreak of food borne illness.

7
8 (h) Nothing in this article shall be construed to
9 change the requirements for brand inspection or animal
10 health inspections.

11
12 **Section 2.** W.S. 35-7-110(a) by creating a new
13 paragraph (xxxi) and by renumbering paragraph (xxxi) as
14 (xxxii) and 35-7-124 by creating a new subsection (g) are
15 amended to read:

16
17 **35-7-110. Definitions.**

18
19 (a) As used in this act:

20
21 (xxxi) "Commercial establishment" means and
22 includes any place or any area of any establishment that is
23 a wholesale or retail business where foods, drugs, devices
24 and cosmetics are displayed for sale, manufactured,

1 processed, packed, held or stored. "Commercial
2 establishment" shall not include:

3
4 (A) Any farmers market; or

5
6 (B) Any business or person engaged in
7 transactions pursuant to W.S. 11-49-103(b).

8
9 ~~(xxxi)~~ (xxxii) "This act" means W.S. 35-7-109
10 through 35-7-127.

11
12 **35-7-124. License required; exemptions; electronic**
13 **transmittals.**

14
15 (g) The provisions of subsection (a) of this section
16 shall not apply to a producer selling food products
17 directly to the informed end consumer at a farmers market
18 or by ranch, farm or home based sales pursuant to W.S.
19 11-49-103. The definitions in W.S. 11-49-102 shall apply
20 to this subsection.

21
22 **Section 3.** This act is effective July 1, 2011.

23
24 (END)