

HOUSE BILL NO. HB0084

Food freedom amendments.

Sponsored by: Representative(s) Duncan, Blake, Henderson,
 Hunt, Lindholm, Pelkey and Salazar and
 Senator(s) Boner, Driskill, Gierau and
 Steinmetz

A BILL

for

1 AN ACT relating to marketing homemade foods; authorizing
2 the sale of certain homemade food items by parties other
3 than the producer of the item as specified; providing and
4 amending definitions; making conforming changes; repealing
5 a provision relating to consumption location; providing
6 limitations on retail food sales; and providing for an
7 effective date.

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

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11 **Section 1.** W.S. 11-49-102(a)(vi), by creating new
12 paragraphs (ix) and (x) and by renumbering (ix) as (xi) and
13 11-49-103(a)(intro), (b), (c)(i), (vi), (d)(intro), (e) and
14 by creating a new subsection (k) are amended to read:

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2 **11-49-102. Definitions.**

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4 (a) As used in this act:

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6 (vi) "Producer" means any person who grows,
7 harvests, prepares or processes any food or drink products
8 on the person's owned or leased property, does not produce
9 more than two hundred fifty thousand (250,000) individual
10 food or drink products annually and does not exceed five
11 hundred thousand dollars (\$500,000.00) in gross revenue
12 annually;

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14 (ix) "Non-potentially hazardous food" means food
15 that does not require time or temperature control for
16 safety including limiting pathogenic microorganism growth
17 or toxin formation. "Non-potentially hazardous food"
18 includes, but is not limited to, jams, uncut fruits and
19 vegetables, pickled vegetables, hard candies, fudge, nut
20 mixes, granola, dry soup mixes excluding meat based soup
21 mixes, coffee beans, popcorn and baked goods that do not
22 include dairy or meat frosting or filling or other
23 potentially hazardous frosting or filling;

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(x) "Potentially hazardous food" means food that requires time or temperature control for safety including limiting pathogenic microorganism growth or toxin formation. "Potentially hazardous food" includes, but is not limited to, foods requiring refrigeration, dairy products, quiches, pizzas, frozen doughs, meat and cooked vegetables and beans;

~~(ix)~~(xi) "This act" means W.S. 11-49-101 through 11-49-103.

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

(a) The purpose of the Wyoming Food Freedom Act is to allow for a producer's production and sale of homemade food or drink products for an informed end ~~consumer's home consumption~~consumer and to encourage the expansion of agricultural sales at farmers markets, ranches, farms and producers' homes by:

1 (b) Unless otherwise provided in this section,
2 homemade food products produced, sold and consumed in
3 compliance with the Wyoming Food Freedom Act shall be
4 exempt from state licensure, permitting, inspection,
5 packaging and labeling requirements.

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7 (c) Transactions under this act shall:

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9 (i) Be directly between the producer-seller and
10 the informed end consumer. The seller of a homemade food
11 product consisting of non-potentially hazardous food may be
12 the producer of the item, an agent of the producer or a
13 third party vendor including a retail shop or grocery store
14 as long as the sale is made in compliance with this act.
15 The seller of a homemade food item consisting of
16 potentially hazardous food shall be the producer of the
17 item;

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19 (vi) Only occur at farmers markets, farms,
20 ranches, producer's homes or offices, the retail location
21 of the third party seller of non-potentially hazardous
22 foods or any location the producer and the informed end
23 consumer agree to.

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2 (d) Except for raw, unprocessed fruits and
3 vegetables, food shall not be sold or used in any
4 commercial food establishment unless the food has been
5 labeled, licensed, packaged, regulated or inspected as
6 required by law. Nothing in this section shall prohibit the
7 sale of homemade food for home consumption from a retail
8 space located at the ranch, farm or home where the food is
9 produced or at the retail location of a third party seller
10 for non-potentially hazardous food. A retail space selling
11 homemade food under this section shall inform the end
12 consumer that the homemade food has not been inspected and
13 shall display a sign indicating that the homemade food has
14 not been inspected. If ~~the~~a retail space selling
15 potentially hazardous food is in any way associated with a
16 commercial food establishment or offers for sale any
17 inspected product, the retail space selling potentially
18 hazardous homemade food shall comply with rules adopted by
19 the department of agriculture which shall require:

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21 (e) The producer shall inform the end consumer that
22 any food product or food sold at a farmers market or
23 through ranch, farm or home based sales pursuant to this

1 act is not certified, labeled, licensed, packaged,
2 regulated or inspected. A third party seller offering
3 non-potentially hazardous food for sale pursuant to this
4 act shall inform the end consumer that the homemade food is
5 not certified, labeled, licensed, packaged, regulated or
6 inspected.

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8 (k) In addition to the requirements of this section,
9 for sales of non-potentially hazardous food at a retail
10 location or grocery store the food shall not be displayed
11 or offered for sale on the same shelf or display as food
12 produced in a licensed establishment and shall be clearly
13 and prominently labeled with "this food was made in a home
14 kitchen, is not regulated or inspected and may contain
15 allergens".

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17 **Section 2.** W.S. 11-49-103(c)(ii) is repealed.

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19 **Section 3.** This act is effective July 1, 2020.

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21 (END)