

## 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  
4 definitions; making conforming changes; repealing  
5 provisions limiting where transactions can occur; and  
6 providing for an effective date.

7

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

9

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

14

1           **11-49-102. Definitions.**

2

3           (a) As used in this act:

4

5                   (ix) "Non-potentially hazardous food" means food  
6 that does not require time or temperature control for  
7 safety including limiting pathogenic microorganism growth  
8 or toxin formation. "Non-potentially hazardous food"  
9 includes, but is not limited to, jams, uncut fruits and  
10 vegetables, pickled vegetables, hard candies, fudge, nut  
11 mixes, granola, dry soup mixes, roasted coffee beans, dry  
12 pasta, popcorn and baked goods that do not include dairy or  
13 meat frosting or filling or other potentially hazardous  
14 frosting or filling;

15

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

23

1           ~~(ix)~~(xi) "This act" means W.S. 11-49-101 through  
2 11-49-103.

3

4           **11-49-103. Wyoming Food Freedom Act; purpose;**  
5 **exemptions; assumption of risk.**

6

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

13

14           (c) Transactions under this act shall:

15

16           (i) Be directly between the ~~producer-seller~~ and  
17 the informed end consumer. The seller of a homemade food  
18 product consisting of non-potentially hazardous food may be  
19 the producer of the item, an agent of the producer or a  
20 third party vendor including a retail shop or grocery store  
21 as long as the sale is made in compliance with this act.  
22 The seller of a homemade food item consisting of

1 potentially hazardous food shall be the producer of the  
2 item;

3  
4 (vi) Only occur at farmers markets, farms,  
5 ranches, producer's homes or offices, the retail location  
6 of the third party seller of non-potentially hazardous  
7 foods or any location the producer and the informed end  
8 consumer agree to.

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

1 commercial food establishment or offers for sale any  
2 inspected product, the retail space selling potentially  
3 hazardous homemade food shall comply with rules adopted by  
4 the department of agriculture which shall require:

5  
6 (e) The producer shall inform the end consumer that  
7 any food product or food sold at a farmers market or  
8 through ranch, farm or home based sales pursuant to this  
9 act is not certified, labeled, licensed, packaged,  
10 regulated or inspected. A third party seller offering  
11 non-potentially hazardous food for sale pursuant to this  
12 act shall inform the end consumer that the homemade food is  
13 not certified, labeled, licensed, packaged, regulated or  
14 inspected.

15  
16 **Section 2.** W.S. 11-49-103(c)(ii) through (iv) is  
17 repealed.

18  
19 **Section 3.** This act is effective July 1, 2020.

20  
21 (END)