

HOUSE BILL NO. HB0056

Wyoming Food Freedom Act.

Sponsored by: Representative(s) Lindholm, Blake and Hunt
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; granting rulemaking
5 authority; and providing for an 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 11-49-104 are
10 created to read:

11

CHAPTER 49

12

MARKETING HOMEMADE FOODS

13

14

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

1

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:

8

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;

15

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

18

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;

22

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

4

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 animals for food or drink;

12

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

15

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:

1

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

4

5 (ii) Enhancing the agricultural economy;

6

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

9

10 (b) Except as provided by W.S. 11-49-104 and
11 notwithstanding any other provisions of law, there shall be
12 no licensure, permitting, certification, inspection,
13 packaging or labeling required by any state governmental
14 agency or any agency of any political subdivision of the
15 state which pertains to the preparation, serving, use,
16 consumption or storage of foods or food products under the
17 Wyoming Food Freedom Act. Nothing in this article shall
18 preclude an agency from providing assistance, consultation
19 or inspection, when requested by the producer.

20

21 (c) Transactions under this section shall:

22

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

14

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

20

21 (f) Not potentially hazardous food as defined by W.S.
22 35-7-110(a)(xxx) shall not be labeled, licensed, regulated,

1 packaged or inspected if it is sold at a farmers market or
2 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 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 (j) Any informed end consumer purchasing products
13 under the Wyoming Food Freedom Act assumes the inherent
14 risks in the purchase, use or ingestion of the food or food
15 products purchased, whether those risks are known or
16 unknown, and is legally responsible for any and all damage,
17 injury or death to himself or other persons or property
18 that results from the inherent risks of purchasing or
19 ingesting food or food products under the Wyoming Food
20 Freedom Act.

21

22 (k) A producer as defined by W.S. 11-49-102(a)(vi) is
23 not required to eliminate, alter or control the inherent

1 risks related to the purchase, ingestion or use of food or
2 food products related to a transaction under the Wyoming
3 Food Freedom Act, except as otherwise required under
4 subsection (e) of this section.

5

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

12

13 (n) The assumption of risk provisions in subsections
14 (j) through (m) of this section apply irrespective of the
15 age of the person assuming the risk.

16

17 **11-49-104. Sale of custom processed meat; rulemaking**
18 **authority.**

19

20 (a) Meat which is processed by a custom meat
21 processor may be sold by a producer to an informed end
22 consumer under this act if the meat is inspected and

1 approved under the state meat inspection program developed
2 pursuant to W.S. 35-7-123(a)(x).

3

4 (b) The department of agriculture shall promulgate
5 rules and regulations necessary to carry out the provisions
6 of this section.

7

8 **Section 2.** W.S. 35-7-110(a) by creating a new
9 paragraph (xxxi) and by renumbering (xxxi) as (xxxii) and
10 35-7-124 by creating a new subsection (h) are amended to
11 read:

12

13 **35-7-110. Definitions.**

14

15 (a) As used in this act:

16

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

23

1 (A) Any farmers market; or

2

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

5

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

8

9 **35-7-124. License required; exemptions; electronic**
10 **transmittals.**

11

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

18

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

20

21 (END)