

HOUSE BILL NO. HB0108

Food Freedom Act.

Sponsored by: Representative(s) Wallis and Jaggi and
Senator(s) Hicks

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.**

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1 This article is known and may be cited as the "Wyoming Food
2 Freedom Act."

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4 **11-49-102. Definitions.**

5

6 (a) As used in this article:

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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;

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

17

18 (iii) "Home consumption" means consumed within a
19 private home, or food from a private home that is only
20 consumed by family members, employees or nonpaying guests;

21

22 (iv) "Homemade" means food that is prepared in a
23 private home kitchen, and the food is not licensed,
24 inspected or regulated;

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2 (v) "Informed end consumer" means a person who
3 is the last person to purchase any product, who does not
4 resell the product and who has been informed that the
5 product is not licensed, regulated or inspected;

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7 (vi) "Producer" means any person who harvests
8 any product of the soil or animals for food or drink;

9

10 (vii) "Transaction" means the exchange of buying
11 and selling.

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13 **11-49-103. Wyoming Food Freedom Act; purpose;**
14 **exemptions; assumption of risk.**

15

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

21

22 (i) Facilitating the purchase and consumption of
23 fresh and local agricultural products;

24

1 (ii) Enhancing the agricultural economy;

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

5

6 (b) Notwithstanding any other provisions of law,
7 there shall be no licensure, permitting, certification,
8 inspection, packaging or labeling required by any state
9 governmental agency or any agency of any political
10 subdivision of the state which pertains to the preparation,
11 serving, use, consumption, or storage of foods or products
12 under the Wyoming Food Freedom Act. Nothing in this
13 article shall preclude an agency from providing assistance,
14 consultation or inspection, when requested by the producer.

15

16 (c) Transactions under this section shall:

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18 (i) Be directly between the producer and the
19 informed end consumer;

20

21 (ii) Only be for home consumption;

22

23 (iii) Occur only in Wyoming;

24

1 (iv) Not involve interstate commerce.

2

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

7

8 (e) Any product sold at a farmers market shall be
9 labeled and signs shall be conspicuously posted informing
10 consumers that the product or food is not certified,
11 labeled, licensed, packaged, regulated or inspected.

12

13 (f) Not potentially hazardous food as defined by W.S.
14 35-7-110(a)(xxx) shall not be labeled, licensed, regulated,
15 packaged or inspected, if it is sold at a farmers market or
16 sold from a producer to an informed end consumer.

17

18 (g) Nothing in this article shall be construed to
19 impede the Wyoming department of health in any
20 investigation of an outbreak of food borne illness.

21

22 (h) Nothing in this article shall be construed to
23 change the requirements for brand inspection or animal
24 health inspections.

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2 (j) Any informed end consumer purchasing goods or
3 products under the Wyoming Food Freedom Act assumes the
4 inherent risks in the purchase, use or ingestion of the
5 food or products purchased, whether those risks are known
6 or unknown, and is legally responsible for any and all
7 damage, injury or death to himself or other persons or
8 property that results from the inherent risks of purchasing
9 or ingesting food or products under the Wyoming Food
10 Freedom Act.

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12 (k) A producer as defined by W.S. 11-49-102(a)(vi) is
13 not required to eliminate, alter or control the inherent
14 risks related to the purchase, ingestion or use of food or
15 products related to a transaction under the Wyoming Food
16 Freedom Act, except as otherwise required under subsection
17 (e) of this section.

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

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1 (n) The assumption of risk provisions in subsections
2 (j) through (m) of this section apply irrespective of the
3 age of the person assuming the risk.

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

9
10 **35-7-110. Definitions.**

11
12 (a) As used in this act:

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

20
21 (A) Any farmers market; or

22
23 (B) Any business or person engaged in
24 transactions pursuant to W.S. 11-49-103.

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

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

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

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Section 3. This act is effective July 1, 2013.

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(END)