

SENATE FILE NO. SF0118

Food freedom act-sales locations.

Sponsored by: Senator(s) Dockstader and Representative(s) McKim

A BILL

for

1 AN ACT relating to the food freedom act; authorizing sales
2 at retail spaces maintained where homemade food is
3 produced; requiring separation from any commercial food
4 establishment; providing rulemaking authority; and
5 providing for an effective date.

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

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9 **Section** **1.** W.S. 11-49-103(d) and
10 35-7-110(a) (xxxi) (A), (B) and by creating a new
11 subparagraph (C) are amended to read:

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

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

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18 (i) That the retail space be physically
19 separated from the commercial food establishment with a
20 separate door and separate cash register or point of sale;

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22 (ii) That each separate space shall include
23 signs or other markings clearly indicating which spaces are

1 offering inspected items for sale and which spaces are
2 uninspected;

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4 (iii) Separation of coolers, freezers and
5 warehouse or other storage areas to prohibit the
6 intermingling of inspected and uninspected products;

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8 (iv) Any other requirements specified by the
9 department of agriculture to ensure the sale of homemade
10 foods is made to an informed end consumer.

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12 **35-7-110. Definitions.**

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14 (a) As used in this act:

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

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23 (A) Any farmers market; ~~or~~

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(B) Any producer or informed consumer engaged in transactions pursuant to W.S. 11-49-103; ~~or~~ or

(C) Any retail space selling homemade food that is separate from a commercial food establishment in accordance with rules and regulations adopted by the department pursuant to W.S. 11-49-103(d).

Section 2. This act is effective July 1, 2017.

(END)