

SENATE FILE NO. SF0102

Food Freedom Act-amendments.

Sponsored by: Senator(s) Salazar, Barlow, Biteman, Boner,
Driskill, Hutchings and Steinmetz and
Representative(s) Neiman, Ottman, Penn and
Sommers

A BILL

for

1 AN ACT relating to marketing homemade foods; specifying
2 that any person may sell eggs or dairy products pursuant to
3 the Wyoming Food Freedom Act; prohibiting a state standard
4 for food and health inspection for homemade foods that is
5 more stringent than any standard promulgated by the United
6 State department of agriculture; and providing for an
7 effective date.

8

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

10

11 **Section 1.** W.S. 11-49-102(a) by creating a new
12 paragraph (xii) and by renumbering (xii) as (xiii) and
13 11-49-103(c)(i), (vi), (d)(intro), (e), (k) and (m) are
14 amended to read:

1

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

3

4 (a) As used in this act:

5

6 (xii) "Designated agent" means a person employed
 7 by the producer to facilitate sales transactions, including
 8 marketing, transport, storage and delivery of food or drink
 9 products. A designated agent shall be named in writing by
 10 the producer and shall not take ownership of any food or
 11 drink product.

12

13 ~~(xii)~~(xiii) "This act" means W.S. 11-49-101
 14 through 11-49-103.

15

16 **11-49-103. Wyoming Food Freedom Act; purpose;**
 17 **exemptions; assumption of risk.**

18

19 (c) Transactions under this act shall:

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21 (i) Be directly between the ~~seller~~producer and
 22 the informed end consumer, except as otherwise provided by
 23 this act. A producer may employ a designated agent to

1 facilitate a transaction. The seller of eggs, dairy
2 products or a homemade food product consisting of
3 non-potentially hazardous food may be the producer of the
4 item, an agent of the producer or a third party vendor
5 including a retail shop or grocery store as long as the
6 sale is made in compliance with this act. The seller of a
7 homemade food item consisting of potentially hazardous
8 food, except eggs and dairy products, shall be the producer
9 of the item;

10

11 (vi) Only occur at farmers markets, farms,
12 ranches, producer's homes or offices, the retail location
13 of the third party seller of non-potentially hazardous
14 foods, eggs and dairy products or any location the producer
15 and the informed end consumer agree to.

16

17 (d) Except for raw, unprocessed fruits and
18 vegetables, food shall not be sold or used in any
19 commercial food establishment unless the food has been
20 labeled, licensed, packaged, regulated or inspected as
21 required by law. Nothing in this section shall prohibit the
22 sale of homemade food from a retail space located at the
23 ranch, farm or home where the food is produced or at the

1 retail location of a third party seller for non-potentially
2 hazardous food, eggs and dairy products. A retail space
3 selling homemade food under this section shall inform the
4 end consumer that the homemade food has not been inspected
5 and shall display a sign indicating that the homemade food
6 has not been inspected. If a retail space selling
7 potentially hazardous food, except eggs and dairy products,
8 is in any way associated with a commercial food
9 establishment or offers for sale any inspected product, the
10 retail space selling potentially hazardous homemade food
11 shall comply with rules adopted by the department of
12 agriculture which shall require:

13

14 (e) The producer shall inform the end consumer that
15 any food product or food sold at a farmers market or
16 through ranch, farm or home based sales pursuant to this
17 act is not certified, labeled, licensed, packaged,
18 regulated or inspected. A third party seller offering
19 non-potentially hazardous food, eggs or dairy products for
20 sale pursuant to this act shall inform the end consumer
21 that the homemade food is not certified, labeled, licensed,
22 packaged, regulated or inspected.

23

1 (k) In addition to the requirements of this section,
2 for sales of non-potentially hazardous food, eggs and dairy
3 products at a retail location or grocery store the food
4 shall not be displayed or offered for sale on the same
5 shelf or display as food produced in a licensed
6 establishment and shall be clearly and prominently labeled
7 with "this food was made in a home kitchen, is not
8 regulated or inspected and may contain allergens".

9

10 (m) In addition to the transactions permitted under
11 this act, homemade food producers may sell homemade food
12 and drink products, ~~or~~ eggs or dairy products to the
13 maximum extent permitted by federal law. The department of
14 agriculture shall not promulgate any standard for food and
15 health inspection that is applicable to this act that is
16 more stringent than a standard established by the United
17 States department of agriculture and nothing in this
18 article shall be construed to be more restrictive than
19 applicable federal requirements.

20

21 **Section 2.** This act is effective July 1, 2023.

22

23

(END)