

HOUSE BILL NO. HB0054

Wyoming Food Freedom Act.

Sponsored by: Representative(s) Wallis, Goggles, Hallinan,  
McOmie and Miller and Senator(s) Bebout

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; and  
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 11-49-101 through 11-49-103 are  
9 created to read:

10

11

CHAPTER 49

12

WYOMING FOOD FREEDOM ACT

13

14

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

15

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

3

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

5

6 (a) As used in this chapter:

7

8 (i) "Agri-tourism" means a style of vacation  
9 that normally takes place on a farm or ranch and includes  
10 any farm or ranch that is open to the public at least part  
11 of the year. Agri-tourism may include the opportunity to  
12 participate in agricultural tasks, including harvesting  
13 fruits and vegetables, riding horses, tasting honey,  
14 learning about wine and shopping in farm or ranch gift  
15 shops and farm stands for local and regional agricultural  
16 produce or hand-crafted gifts;

17

18 (ii) "End consumer" means a person who is the  
19 last person to purchase any product or preparation and who  
20 does not resell the product or preparation;

21

22 (iii) "Farmers' market" means as defined in W.S.  
23 35-7-110(a)(xxviii);

24

1           (iv) "Home consumption" means consumed within a  
2 private home;

3

4           (v) "Processor" means any person who processes  
5 or prepares products of the soil or animals for food or  
6 drink;

7

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

10

11           (vii) "Roadside stand" means a freestanding  
12 structure on or near a producer or processor's property;

13

14           (viii) "Traditional community social event"  
15 means an event where people gather as part of a community  
16 for the benefit of those gathering or for the community,  
17 including but not limited to a:

18

19                   (A) Wedding;

20

21                   (B) Funeral;

22

23                   (C) Church or religious social;

24

1 (D) School event;

2

3 (E) Branding;

4

5 (F) Potluck;

6

7 (G) Neighborhood gathering;

8

9 (H) Ladies or gentlemen club;

10

11 (J) Youth club.

12

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

15

16 **11-49-103. Wyoming Food Freedom Act; purpose.**

17

18 (a) The purpose of the Wyoming Food Freedom Act is to  
19 allow for traditional community social events involving the  
20 sale and consumption of home made foods and to encourage  
21 the expansion and accessibility of farmers' markets,  
22 roadside stands, ranch, farm and home based sales and  
23 producer to end consumer agricultural sales by:

24

1           (i) Promoting the purchase and consumption of  
2 fresh and local agricultural products;

3

4           (ii) Enhancing the agricultural economy;

5

6           (iii) Encouraging agri-tourism opportunities in  
7 Wyoming;

8

9           (iv) Providing Wyoming citizens with unimpeded  
10 access to healthy food from known sources; and

11

12           (v) Encouraging the expansion and accessibility  
13 of farmers' markets, roadside stands, ranch and farm based  
14 sales and direct producer to end consumer agricultural  
15 sales.

16

17           (b) Any producer or processor who is selling his  
18 product only at farmers' markets, roadside stands or by  
19 ranch, farm and home based sales directly to the end  
20 consumer is exempt from licensing required by W.S.  
21 35-7-124(g).

22

23           (c) Notwithstanding any other provision of law, there  
24 shall be no licensure, certification or inspection required

1 by any state governmental agency or any agency of any  
2 political subdivision of the state provided there is only  
3 one (1) transaction between the producer or the processor  
4 and the end consumer when the food is for home consumption  
5 or the food is prepared for a traditional community social  
6 event.

7

8 **Section 2.** W.S. 35-7-110(a)(xi) and 35-7-124 by  
9 creating a new subsection (g) are amended to read:

10

11 **35-7-110. Definitions.**

12

13 (a) As used in this act:

14

15 (xi) "Establishment" means and includes any  
16 place or any area of any establishment in which foods,  
17 drugs, devices and cosmetics are displayed for sale,  
18 manufactured, processed, packed, held or stored.

19 "Establishment" does not include any place where home made  
20 food is prepared for a traditional community social event  
21 or the food is sold under the Wyoming Food Freedom Act;

22

23 **35-7-124. License required; exemptions; electronic**  
24 **transmittals.**

1

2       (g) The provisions of subsection (a) of this section  
3 shall not apply to a producer or processor selling food  
4 directly to the end consumer at farmers' markets, roadside  
5 stands, by ranch, farm and home based sales pursuant to  
6 W.S. 11-49-103 or prepared for, consumed or sold at a  
7 traditional community social event. The definitions in  
8 W.S. 11-49-102 shall apply to this subsection.

9

10       **Section 3.** This act is effective July 1, 2010.

11

12

(END)