

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 for the purposes of sales, marketing,
8 transport, storage and delivery of food or drink products.
9 A designated agent shall be named in writing by the
10 producer and shall not take ownership of any food or drink
11 product.

12

13 ~~(xii)~~(xiii) "This act" means W.S. 11-49-101
14 through ~~11-49-103~~11-49-104.

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 for the

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

11

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

17

18 (d) Except for raw, unprocessed fruits and
19 vegetables, food shall not be sold or used in any
20 commercial food establishment unless the food has been
21 labeled, licensed, packaged, regulated or inspected as
22 required by law. Homemade or uninspected food shall not be
23 served or utilized as an ingredient in a commercial food

1 establishment. Nothing in this section shall prohibit the
2 sale of homemade food from a retail space located at the
3 ranch, farm or home where the food is produced or at the
4 retail location of a third party seller for non-potentially
5 hazardous food, eggs and dairy products. A retail space
6 selling homemade food under this section shall inform the
7 end consumer that the homemade food has not been inspected
8 and shall display a sign indicating that the homemade food
9 has not been inspected. If a retail space selling
10 potentially hazardous food, except eggs and dairy products,
11 is in any way associated with a commercial food
12 establishment or offers for sale any inspected product, the
13 retail space selling potentially hazardous homemade food
14 shall comply with rules adopted by the department of
15 agriculture which shall require:

16

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

1 that the homemade food is not certified, labeled, licensed,
2 packaged, regulated or inspected.

3

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

12

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

23

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

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3

(END)