

ENROLLED ACT NO. 51, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

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

11-49-102. Definitions.

(a) As used in this act:

(xii) "Designated agent" means a person or consignment model market or food freedom store designated by the producer to facilitate producer to consumer transactions including marketing, transport, storage and delivery of food or drink products. A designated agent shall be named in writing by the producer and shall not take ownership of any food or drink product.

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

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

(c) Transactions under this act shall:

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(i) Be directly between the ~~seller-producer~~ and the informed end consumer, except as otherwise provided by this act. A producer may utilize a designated agent to facilitate a transaction. The seller of eggs, dairy products or a homemade food product consisting of non-potentially hazardous food may be the producer of the item, ~~an~~a designated agent of the producer or a third party vendor including a retail shop or grocery store as long as the sale is made in compliance with this act. The seller of a homemade food item consisting of potentially hazardous food, except eggs and dairy products, shall be the producer of the item or a designated agent of the producer;

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

(d) Except for raw, unprocessed fruits and vegetables, food shall not be sold or used in any commercial food establishment unless the food has been labeled, licensed, packaged, regulated or inspected as required by law. Homemade or uninspected food shall not be served or utilized as an ingredient in a commercial food establishment. Nothing in this section shall prohibit the sale of homemade food from a retail space located at the ranch, farm or home where the food is produced or at the retail location of a third party seller for non-potentially hazardous food, eggs and dairy products. A retail space selling homemade food under this section shall inform the end consumer that the homemade food has not been inspected and shall display a sign indicating that the homemade food has not been inspected. If a retail space selling

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potentially hazardous food, except eggs and dairy products, is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling potentially hazardous homemade food shall comply with rules adopted by the department of agriculture which shall require:

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

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

(m) In addition to the transactions permitted under this act, homemade food producers may sell homemade food and drink products, or—eggs or dairy products to the maximum extent permitted by federal law. The department of agriculture shall not promulgate any standard for food and health inspection that is applicable to this act that is more stringent than a standard established by the United States department of agriculture and nothing in this

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article shall be construed to be more restrictive than applicable federal requirements.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk