

ORIGINAL SENATE  
FILE NO. SF0118

ENROLLED ACT NO. 26, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

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

(d) Except for raw, unprocessed fruit 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. Nothing in this section shall prohibit the sale of homemade food for home consumption from a retail space located at the ranch, farm or home where the food is produced. 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 the retail space is in any way associated with a commercial food establishment or offers for sale any inspected product, the retail space selling homemade food shall comply with rules adopted by the department of agriculture which shall require:

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

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(ii) That each separate space shall include signs or other markings clearly indicating which spaces are offering inspected items for sale and which spaces are uninspected;

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

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

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

(a) As used in this act:

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

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

(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).

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

(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