

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming Food Freedom Act amendments.

Sponsored by: Representative(s) Johnson

A BILL

for

1 AN ACT relating to the sale and marketing of homemade
2 foods; amending the Wyoming Food Freedom Act to allow the
3 use of homemade or uninspected food as an ingredient in
4 commercial food establishments as specified; authorizing
5 designated agents and third party sellers to sell meat
6 products as specified; making conforming amendments;
7 requiring rulemaking; and providing for effective dates.

8

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

10

11 **Section 1.** W.S. 11-49-103(c)(vi) and by creating a
12 new paragraph (vii), (d)(intro), (n)(intro) and (iv), 35-7-
13 110(a)(xxxi)(B) and 35-7-124(h) are amended to read:

1

2 **11-49-103. Wyoming Food Freedom Act; purpose;**
3 **exemptions; assumption of risk.**

4

5 (c) Transactions under this act shall:

6

7 (vi) Except as provided by paragraph (vii) of
8 this subsection, only occur at farmers markets, farms,
9 ranches, producer's homes or offices, the retail location
10 of the third party seller of non-potentially hazardous
11 foods, eggs and dairy products or any location the producer
12 and the informed end consumer agree to~~;~~.

13

14 (vii) Notwithstanding any other law, include the
15 use of unpasteurized milk as an ingredient for foods sold
16 by or consumed in a commercial food establishment as
17 defined in W.S. 35-7-110(a)(xxxi) if the informed end
18 consumer is given notice in writing by the commercial food
19 establishment that the unpasteurized milk has not been
20 inspected or pasteurized.

21

22 (d) Except for raw, unprocessed fruits and vegetables
23 and unpasteurized milk as provided by paragraph (c)(vii) of

1 this section, food shall not be sold or used in any
2 commercial food establishment unless the food has been
3 labeled, licensed, packaged, regulated or inspected as
4 required by law. Except as provided by paragraph (c)(vii)
5 of this section, homemade or uninspected food shall not be
6 served or utilized as an ingredient in a commercial food
7 establishment. Nothing in this section shall prohibit the
8 sale of homemade food from a retail space located at the
9 ranch, farm or home where the food is produced or at the
10 retail location of a third party seller for non-potentially
11 hazardous food, eggs and dairy products. A retail space
12 selling homemade food under this section shall inform the
13 end consumer that the homemade food has not been inspected
14 and shall display a sign indicating that the homemade food
15 has not been inspected. Except as provided by paragraph
16 (c)(vii) of this section, if a retail space selling
17 potentially hazardous food, except eggs and dairy products,
18 is in any way associated with a commercial food
19 establishment or offers for sale any inspected product, the
20 retail space selling potentially hazardous homemade food
21 shall comply with rules adopted by the department of
22 agriculture which shall require:

23

1 (n) Except as prohibited by federal law and subject
 2 to subsection (o) of this section, a producer, a producer's
 3 designated agent or a third party seller may sell meat
 4 products from cattle, sheep, swine or goats raised by the
 5 producer that were slaughtered on the premises of the
 6 producer or at a custom slaughter facility, if all of the
 7 following conditions are met:

8

9 (iv) The producer, designated agent or third
 10 party seller shall not publish any statement associated
 11 with the meat that implies or states the Wyoming department
 12 of agriculture's approval or endorsement of meat delivered
 13 under this subsection.

14

15 *****

16

17

STAFF COMMENT

18

19 **Currently, the Federal Meat Inspection Act (21 U.S.C. § 601**
 20 **et seq.) prohibits direct-to-consumer sales of uninspected**
 21 **meat by a producer, designated agent or third party seller.**
 22 **While the Wyoming Food Freedom Act could be amended to**
 23 **allow these sales, the sales themselves would be in**
 24 **violation of federal law unless and until the requirements**
 25 **of subsection (o), printed below, are met. Depending on the**
 26 **requirements of the hypothetical federal law contemplated**
 27 **in subsection (o), designated agents or third party sellers**
 28 **may or may not be able to sell a producer's meat products,**
 29 **regardless of the amendments to subsection (n) above.**

30

1 **11-49-103. Wyoming Food Freedom Act; purpose;**
2 **exemptions; assumption of risk.**

3
4 (o) Subsection (n) of this section shall be effective
5 on the date that the governor, on advice of the attorney
6 general, certifies to the secretary of state that the sale
7 of meat products from cattle, sheep, swine or goats raised
8 by the producer that were slaughtered on the premises of
9 the producer or at a custom slaughter facility is legalized
10 under federal law. Legalization under federal law shall
11 constitute either the passage of a federal law that allows
12 direct-to-consumer sales of uninspected meat products or
13 the issuance of a final decision by a federal court with
14 jurisdiction over this state that declares that the federal
15 prohibition on direct-to-consumer sales is unconstitutional
16 or otherwise invalid. Sales of meat products under
17 subsection (n) of this section shall be allowed upon the
18 governor's certification to the secretary of state that
19 sales of uninspected meat products have been legalized
20 under federal law.

21
22 **Also, the Food Freedom Act uses the terms "designated**
23 **agent" and "third party seller" somewhat interchangeably.**
24 **You may wish to consider allowing third party sellers to**
25 **sell meat products pursuant to subsection (n) above or**
26 **amend the definition of "designated agent" to include third**
27 **party sellers. The two terms are used throughout the act**
28 **exclusively and could/should be construed to mean different**
29 **things.**

30
31 *********
32 *********
33

34 **35-7-110. Definitions.**

35
36 (a) As used in this act:

37
38 (xxxi) "Commercial food establishment" means and

39 includes any place or any area of any establishment that is

1 a wholesale or retail business where foods, drugs, devices
2 and cosmetics are displayed for sale, manufactured,
3 processed, packed, held or stored. "Commercial food
4 establishment" shall not include:

5

6 (B) Any producer, designated agent, third
7 party seller or informed consumer engaged in transactions
8 pursuant to W.S. 11-49-103; or

9

10 **35-7-124. License required; exemptions; electronic**
11 **transmittals.**

12

13 (h) The provisions of subsection (a) of this section
14 shall not apply to a producer selling food directly or
15 through a designated agent or third party seller to the
16 informed end consumer at a farmers market or through
17 ranch, farm or home based sales pursuant to W.S. 11-49-103.
18 The definitions in W.S. 11-49-102 shall apply to this
19 subsection.

20

21 **Section 2.** The department of agriculture shall
22 promulgate all rules necessary to implement this act.

23

1 **Section 3.**

2

3 (a) Except as provided by subsection (b) of this
4 section, this act is effective July 1, 2027.

5

6 (b) Sections 2 and 3 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)