DRAFT ONLY
NOT APPROVED FOR INTRODUCTION

HOUSE BILL NO. [BILL NUMBER]

Food Freedom Act-producer retailers.

Sponsored by: Representative(s) Johnson

A BILL

for

AN ACT relating to the sale and marketing of homemade foods; amending the Wyoming Food Freedom Act to authorize specified exemptions to the requirements of the act; amending definitions; making conforming amendments; 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 (xiv) and renumbering paragraph (xiv) as (xv), 11-49-103(c)(vi) and by creating a new subsection (p), 35-7-110(a)(xxxi)(B) and 35-7-124(h) are amended to read:

11-49-102. Definitions.

(a) As used in this act:

(xiv) "Producer-retailer" means a person who qualifies as a producer under this act and who sells food from a location other than the producer's private home kitchen to an informed end consumer pursuant to an exemption granted by the director of the department of agriculture;

~~(xiv)~~ (xv) "This act" means W.S. 11-49-101 through 11-49-104.

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

(c) Transactions under this act shall:

(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, at a specified producer-

retailer location pursuant to an exemption authorized under subsection (p) of this section or any location the producer and the informed end consumer agree to.

(p) The director of the department of agriculture may grant exemptions from the requirements of this act for producer-retailers at a single additional location outside the producer-retailer's private home kitchen. A producer-retailer seeking an exemption under this subsection shall submit a formal written request to the director that includes a description of the food to be sold, the location of sale and the reason for seeking the exemption. After review, the director shall issue a written decision that includes the reason for granting or denying the exemption. The director may impose conditions on any exemption granted under this subsection. Exemption approval letters shall be displayed on the producer-retailer's premises and made available to the department of agriculture upon request. A producer-retailer shall notify the director in writing regarding any change to the exempted activity. The following shall apply to exemptions granted pursuant to this subsection:

(i) Food sold under an exemption shall be of the type that would otherwise qualify as homemade food if sold from the producer-retailer's private home kitchen;

(ii) Exemptions shall not be approved for:

(A) Persons to provide homemade food to a franchise, school, hospital, daycare, institution or nursing home;

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STAFF COMMENT

The terms in (A) above are very broad. The Committee may wish to consider narrowing the list or being more specific.

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(B) Persons who are required under Wyoming law to hold a retail food establishment license for the location sought to be exempted;

(C) Persons to use homemade food sold under this act in a commercial food establishment;

(D) The sale or provision of meat or meat products.

35-7-110. Definitions.

(a) As used in this act:

(xxxi) "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:

(B) Any producer, producer-retailer or informed consumer engaged in transactions pursuant to W.S. 11-49-103; or

35-7-124. License required; exemptions; electronic transmittals.

(h) The provisions of subsection (a) of this section shall not apply to a producer selling food directly to the

informed end consumer at a farmers market, at a producer-retailer location or through ranch, farm or home based sales pursuant to W.S. 11-49-103. The definitions in W.S. 11-49-102 shall apply to this subsection.

Section 2. This act is effective July 1, 2027.

(END)