

HOUSE BILL NO. HB0054

Wyoming Food Freedom Act.

Sponsored by: Representative(s) Wallis, Hallinan, McOmie and Miller and Senator(s) Bebout

A BILL

for

1 AN ACT relating to agriculture; creating the Wyoming Food
2 Freedom Act; exempting certain sales from licensure,
3 certification and inspection; providing definitions; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 11-49-101 through 11-49-103 are
9 created to read:

10

11

CHAPTER 49

12

WYOMING FOOD FREEDOM ACT

13

14 **11-49-101. Short title.**

15

1 This chapter is known and may be cited as the "Wyoming Food
2 Freedom Act".

3

4 **11-49-102. Definitions.**

5

6 (a) As used in this chapter:

7

8 (i) "Agent" means a person who conducts commerce
9 on behalf of a producer or a processor;

10

11 (ii) "Agri-tourism" means a style of vacation
12 that normally takes place on a farm or ranch and includes
13 any farm or ranch that is open to the public at least part
14 of the year. Agri-tourism may include the opportunity to
15 participate in agricultural tasks, including harvesting
16 fruits and vegetables, riding horses, tasting honey,
17 learning about wine and shopping in farm or ranch gift
18 shops and farm stands for local and regional agricultural
19 produce or hand-crafted gifts;

20

21 (iii) "End consumer" means a person who is the
22 last person to purchase any product or preparation and who
23 does not resell the product or preparation;

24

1 (iv) "Home consumption" means consumed within a
2 private home;

3

4 (v) "Processor" means any person who processes
5 or prepares products of the soil or animals for food or
6 drink;

7

8 (vi) "Producer" means any person who harvests
9 any product of the soil or animals for food or drink;

10

11 (vii) "Traditional community social event" means
12 an event where people gather as part of a community for the
13 benefit of those gathering or for the community, including
14 but not limited to a:

15

16 (A) Wedding;

17

18 (B) Funeral;

19

20 (C) Church or religious social;

21

22 (D) School event;

23

24 (E) Branding;

1

2

(F) Potluck;

3

4

(G) Neighborhood gathering;

5

6

(H) Ladies or gentlemen club;

7

8

(J) Youth club.

9

10 (viii) "Transaction" means the exchange of
11 buying and selling.

12

13 **11-49-103. Wyoming Food Freedom Act; purpose.**

14

15 (a) The purpose of the Wyoming Food Freedom Act is to
16 allow for traditional community social events involving the
17 sale and consumption of home made foods and to encourage
18 the expansion and accessibility of farmers' markets,
19 roadside stands, ranch, farm and home based sales and
20 producer to end consumer agricultural sales by:

21

22 (i) Promoting the purchase and consumption of
23 fresh and local agricultural products;

24

1 (ii) Enhancing the agricultural economy;

2

3 (iii) Encouraging agri-tourism opportunities in
4 Wyoming;

5

6 (iv) Providing Wyoming citizens with unimpeded
7 access to healthy food from known sources; and

8

9 (v) Encouraging the expansion and accessibility
10 of farmers' markets, roadside stands, ranch and farm based
11 sales and direct producer to end consumer agricultural
12 sales.

13

14 (b) Any producer or processor who is selling his
15 product only at farmers' markets, roadside stands or by
16 ranch, farm and home based sales directly to the end
17 consumer is exempt from licensing required by W.S.
18 35-7-124(g).

19

20 (c) Notwithstanding any other provision of law, there
21 shall be no licensure, certification or inspection by any
22 state governmental agency or any agency of any political
23 subdivision of the state provided there is only one (1)
24 transaction between the producer, the processor, the

1 producer's agent or the processor's agent and the end
2 consumer when the food is for home consumption or the food
3 is prepared for a traditional community social event.

4

5 **Section 2.** W.S. 35-7-110(a)(xi) and 35-7-124 by
6 creating a new subsection (g) are amended to read:

7

8 **35-7-110. Definitions.**

9

10 (a) As used in this act:

11

12 (xi) "Establishment" means and includes any
13 place or any area of any establishment in which foods,
14 drugs, devices and cosmetics are displayed for sale,
15 manufactured, processed, packed, held or stored.

16 "Establishment" does not include any place where home made
17 food is prepared for a traditional community social event
18 or the food is sold under the Wyoming Food Freedom Act;

19

20 **35-7-124. License required; exemptions; electronic**
21 **transmittals.**

22

23 (g) The provisions of subsection (a) of this section
24 shall not apply to a producer or processor selling food

1 directly to the end consumer at farmers' markets, roadside
2 stands, by ranch, farm and home based sales pursuant to
3 W.S. 11-49-103 or prepared for, consumed or sold at a
4 traditional community social event. The definitions in
5 W.S. 11-49-102 shall apply to this subsection.

6

7 **Section 3.** This act is effective July 1, 2010.

8

9

(END)