



Wyoming Food Freedom Act

In 2015, the Wyoming Legislature passed HB0056, creating the Wyoming Food Freedom Act, W.S. 11-49-101 through 11-49-103, which became effective March 3, 2015.

The general purpose of the Wyoming Food Freedom Act is to allow for the sale and consumption of homemade foods.

1. Q. Where can the producer sell their food?
A. A sale and delivery may take place at a farm, ranch, farmers market, office, or any location agreed to between the producer and the informed end consumer.
2. Q. What is an “informed end consumer?”
A. An “informed end consumer” is a person who is the last to purchase any product, who does not resell the product, and who has been informed that the product is not licensed, regulated, or inspected.
3. Q. What is a “farmers market?”
A. A “farmers market” is a common facility or area where several vendors may gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables, locally grown farm products and other items directly to consumers.
4. Q. Is one vendor a farmers market?
A. No.
5. Q. Are roadside stands allowed under the Food Freedom Act?
A. The Food Freedom Act does not specifically prohibit roadside stands.
6. Q. What is “homemade” food?
A. “Homemade” food is food that is prepared in a private home kitchen that is not licensed, inspected, or regulated.
7. Q. What types of homemade foods are allowed?
A. Produce and home-processed foods that are processed without meat or wild game (except for poultry and poultry products).
8. Q. Can poultry and poultry products be sold under this act?
A. Yes, as long as the producer stays under the United States Department of Agriculture poultry exemption of less than 1,000 birds.
9. Q. Does this Act allow the sale of raw milk and products made from raw milk?
A. Yes.

10. Q. Can these products be sold to a licensed establishment?
A. No, 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.
11. Q. Can meat such as beef, pork, lamb, or goat be sold under this act?
A. No. Meat and meat products must be slaughtered, processed and labeled in a state or federally inspected meat plant.
12. Q. Can a producer sell a live animal intended for slaughter?
A. Yes.
13. Q. Can the sale of portions of animals for future delivery be made at a farmers market, farm, ranch, or private home?
A. Yes, provided that the processing of the portion of animal is done by a Wyoming or federally inspected and licensed processing facility.
14. Q. Can wild game and game products be sold under this act?
A. No. W.S. 23-3-302 prohibits the sale or barter of wild game, animals, birds, or fish.
15. Q. Can any of the products be shipped interstate?
A. No. Transactions under this Act shall only occur in Wyoming.
16. Q. Can out-of-state producers sell in Wyoming?
A. No. Transactions shall not involve interstate commerce.
17. Q. Can a person cater out of their home under this act?
A. Under the Act, a producer may only cater to a private home.
18. Q. Can a producer prepare food onsite at the farmers market?
A. No, this becomes a temporary food stand and must be licensed.
19. Q. Can a home producer do internet sales under this Act?
A. Yes, but only for delivery within Wyoming.
20. Q. Do ungraded eggs still have to meet the requirements of the Wyoming Food Rule?
A. Yes, but the Wyoming Food Rule already allowed sales of ungraded eggs consistent with existing USDA Federal Regulations and exemptions. Sales of ungraded eggs was and remains legal. Eggs must be clean and refrigerated. If desired, clean cartons in good condition may be reused if all labeling from original use is marked out. The carton should be labeled with the name and address of the producer, a packaging date and state "ungraded" and "keep refrigerated."
21. Q. Does the Act permit the Wyoming Department of Health to investigate any food-borne illnesses?
A. Yes.
22. Q. Can food items be frozen then taken to the Farmer's Market and sold as a frozen product?
A. Yes. It is recommended the items be kept frozen through the sale to the informed end consumer.

23. Q. How can fish be sold at the Farmer's Market?

A. As noted in question number 14 above, wild fish cannot be sold at a farmers market under the Wyoming Food Freedom Act. Any other fish would be considered a food and would be able to be sold at a farmers market. It is recommended the fish that is sold be maintained at proper temperatures.

24. Q. What are the requirements on how to inform the end consumer?

A. The Wyoming Food Freedom Act does not state how the producer shall inform the end consumer just that they 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 section (of the Act) is not certified, labeled, licensed, packaged, regulated or inspected.

25. Q. Where does the liability lie if an illness occurs?

A. This is a question to direct to your attorney.

26. Q. Is a sampling license required for giving out samples of produce?

A. The Wyoming Food Freedom Act does not allow for any type of licensing.

6/1/15