



## Frequently Asked Questions for Operating Under the Wyoming Food Freedom Act at Markets

House Bill No. HB118 amended the [Wyoming Food Freedom Act – WS-49-101 – 104](#) during the 2021 General Session.



**1. Q. Where can the producer sell their food?**

A. The delivery may occur by the producer's designated agent at a farm, ranch, farmers market, home, 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 producer?**

A. "Producer" means any person who grows, harvests, prepares or processes any food or drink products on the person's owned or leased property, does not produce more than two hundred fifty thousand (250,000) individual food or drink products annually and does not exceed two hundred fifty thousand dollars (\$250,000.00) in gross revenue annually from the food and drink products.

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

A. The food shall be clearly and prominently labeled with "this food was made in a home kitchen, is not regulated or inspected and may contain allergens"

**5. Q. What is a “farmers market?”**

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.

**6. Q. Are farmers markets subject to inspection for compliance with federal, state or local food safety regulations?**

A. Yes.

**7. Q. What is “homemade” food?**

A. “Homemade” means food is food that is prepared or processed in a private home kitchen that is not licensed, inspected or regulated.

**8. Q. What types of homemade foods may be sold under the WFFA?**

A. Produce and home-processed foods that are processed without meat or wild game. Except as provided by the act.

**9. Q. Can poultry and poultry products be sold under this act?**

A. Yes, so long as poultry producers maintain compliance with the United States Department of Agriculture’s Poultry Products Inspection Act. A producer must slaughter less than 1,000 poultry during a calendar year; not engage in buying or selling poultry products other than those produced from poultry of his own raising; and only sell such poultry and poultry products within the State of Wyoming. The poultry is not adulterated or misbranded.



**10. Q. Does this Act allow the sale of raw milk and products made from raw milk?**

A. Yes.

**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 Wyoming state or federally inspected meat plant.

**12. Q. Can a producer sell a live animal intended for slaughter?**

A. Yes, but a producer must still comply with the Wyoming Livestock Board’s statutes, rules and regulations regarding change in ownership.

**13. Q. Can the sale of custom portions of live animals for future delivery be made at a farmers market, farm, ranch, home, office or any location agreed to between the producer and the informed end consumer?**

A. Yes, provided that the processing of the portion of animal is done by a Wyoming or Federally inspected and licensed processing facility. Change in ownership of the animal (or portion thereof) must take place before the animal is slaughtered. Product must be labeled “not for sale” and can only be delivered to the person(s) who bought the animal. Producer must still comply with the Wyoming Livestock Board’s statutes, rules and regulations regarding change in ownership.

**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 under the WFFA?**

A. No. WFFA transactions shall not involve interstate commerce.

**17. Q. Can a producer prepare food onsite at the farmers market?**

A. No, this becomes a temporary food stand and must be licensed through state inspection and use only food obtained in accordance with federal and state food safety law.

**18. Q. Can a home producer do internet sales under this Act?**

A. Yes, but only for delivery within Wyoming.

**19. Q. Do ungraded eggs still have to meet the requirements of the 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."

**20. Q. Does the Act permit the Wyoming Department of Health to investigate any food-borne illnesses?**

A. Yes.

**21. Q. Could a producer potentially face liability if an illness occurs as a result of their WFFA product?**

A. Potentially yes, this is a question that should be further directed to your attorney.

**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. The sale of farm raised fish provided: the fish is raised in accordance with Title 23 of the Wyoming Statutes. This is in reference to the Wyoming Game and Fish statutes. As noted in question number 15 above, wild fish cannot be sold at a farmers market under the Wyoming Food Freedom Act. Catfish is not allowed as it is amenable to the USDA Meat Inspection 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. Is a sampling license required for giving out samples of WFFA products?**

A. No. Sampling with very minimal food handling is allowed. Pre-portioned or pre-packaged samples not made on site are preferred.

**25. Q. Is the sale of rabbit meat allowed?**

A. Yes.