

WYOMING FOOD FREEDOM ACT GUIDELINE



Extension

www.wyomingsbdc.org Jaden Tatum, PhD
(307) 631-7721 Jtatum2@uwyo.edu
(307)-766-5687

In Wyoming, individuals and small businesses can sell many homemade foods under the Wyoming Food Freedom Act (WFFA). This "Marketing Homemade Foods" law allows producers to make food products for direct sale to end consumers. The products are exempt from state and federal licensing, inspection, and labeling requirements.

Under the WFFA, the type of food product dictates the avenues and markets you are able to access. All foods covered under WFFA can be sold directly by the producer to an informed consumer – through avenues like farmers' markets, ranches, farms, producer's homes or offices. In addition, eggs, dairy products, and some more shelf-stable foods described as non-potentially hazardous, can be sold through third-party vendors like retail shops and grocery stores, where the designated agent shall be named in writing. More details on the types of foods covered by the WFFA and the avenues where they can be sold are detailed to the right.



Foods legally allowed under the Wyoming Food Freedom Act:

- Homemade baked goods, such as breads, rolls, cakes, cookies, pies, etc.;
- Home-prepared canned goods, such as jams, jellies (including low sugar), salsas, pickles, etc.;
- Sauerkraut, vinegar, and other fermented foods;
- Eggs;
- Raw honey;
- Milk and dairy products (including raw milk);
- Home-processed domestic rabbit and fish (except catfish);
- Home-processed poultry and poultry products (an exemption permits the butcher an annual sale of up to 1,000 birds to the end consumer). These items must follow the USDA guidelines for poultry processing and comply with Wyoming labeling and temperature requirements.



SCAN HERE TO READ MORE DETAILS
ABOUT WHAT'S ALLOWED UNDER
THE WYOMING FOOD FREEDOM ACT.

Types of Covered Foods & Where They're Sold

Non-potentially hazardous foods don't require time or temperature control for safety. Examples include but are not limited to jams, pickled vegetables, hard candies, fudge, granola, nut mixes, dry soup mixes (excluding meat-based soup mixes), coffee beans, and baked goods that do not contain any potentially hazardous frosting or filling, e.g. meat- or dairy-based fillings. These foods can be sold at farmers' markets, ranches, farms, producer's homes or offices, and through third-party vendors like retail shops or grocery stores.

Potentially hazardous foods and frozen foods including dairy-filled products and cut fresh produce and excluding any meat or meat-containing products, can be sold directly by the producer at farmers' markets, ranches, farms, producer's homes or offices.

Eggs and dairy products, including raw dairy products, can be sold by the producer or a designated agent at farmers' markets, ranches, farms, producer's homes or offices, and through third-party vendors like retail shops or grocery stores.

Raw or cooked meat – Meat is not covered by the WFFA except in a few cases. Rabbit meat is allowed. Farm-raised fish, excluding catfish, are allowed if produced in accordance with Title 23 of Wyoming Statutes. Poultry and poultry products are allowed if producers comply with USDA Poultry Products Inspection Act [PPIA Section 464(c) (4)] "Section 15 (c)(4)"; Title 9 CFR §381.10(c) – including not slaughtering more than 1,000 healthy birds of their own raising in a calendar year and keeping appropriate records of slaughter and sale. Cooked poultry can be sold under the WFFA directly to the end consumer if the producer carried out raising, slaughtering, and processing under sanitary conditions and remained under the 1,000-bird exemption.

References:

HB0056 - Wyoming Food Freedom Act (2015) - State of Wyoming
Wyoming Food Coalition "Food Ventures in Wyoming" (2018)

WYOMING FOOD FREEDOM ACT GUIDELINE

TRANSACTIONS UNDER THE WFFA SHALL:



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.

- Be directly between the producer and the informed end consumer;
- Only be for home consumption;
- Occur only in Wyoming;
- Not involve interstate commerce;
- Not involve the sale of meat products, except:
 - The sale of poultry and poultry products consistent with this article;
 - The sale of live animals intended for slaughter;
 - The sale of portions of animals for future delivery provided that the processing of the animals is done by the purchaser or by a Wyoming or federally licensed processing facility.

CONSIDERATIONS FOR GROWING A FOOD PRODUCT BUSINESS:

- Homemade or uninspected food cannot be served or used as an ingredient in a commercial food establishment, except for raw, unprocessed fruit and vegetables.
- Foods covered under WFFA must be produced in Wyoming and cannot be sold across state lines.
- When selling WFFA products at grocery or retail stores, they must be marketed on a separate shelf from licensed and inspected food and meet labeling requirements.
- If you produce more than 250,000 individual food or drink products annually or have gross revenue over \$250,000 from food and drink products, you exceed maximum sales allowed under the WFFA.

WHAT ELSE DO I NEED TO KNOW?

Contact your regional SBDC Business Advisor to learn more.



References:

HB0056 - Wyoming Food Freedom Act (2015) - State of Wyoming
Wyoming Food Coalition "Food Ventures in Wyoming" (2018)

FOOD VENTURES IN WYOMING A RESOURCE & REGULATORY GUIDE



Read more about operating a food business in Wyoming.

Provided by the UW Extension

The producer shall inform the end consumer that any food product or food sold at a farmers market or through ranch, farm, or home based sales is not certified, labeled, licensed, packaged, regulated or inspected. 



**SCAN HERE TO READ THE
FDA'S FOOD LABELING GUIDE**

LABELING REQUIREMENTS UNDER WFFA:

- 1 **Homemade food products covered under the WFFA are exempt from state labeling requirements.**
- 2 **Eggs, if sold at a retail location, should be prominently labeled with the name and address of the producer, the packaging date, and the statements: "this food is not regulated or inspected," "ungraded," and "keep refrigerated."**

