

# Now in Effect: Wyoming Law Expands Food Freedom Act, Opens Market to Small Egg and Dairy Producers

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by [Mike Maharrey](#), *Tenth Amendment Center*

July 2, 2023

**Cheyenne, Wyo.** (July 2, 2023) – Yesterday, a Wyoming law went into effect that will further increase food freedom in the state, and potentially alleviate some of the recent price inflation on eggs and dairy.

Sen. Tim Salazar and 10 fellow cosponsors introduced Senate Bill 102 ([SF102](#)) on Jan. 12. The new law expands the Wyoming Food Freedom Act to allow a “designated agent” to “facilitate sales transactions” in the marketing, transport, storage, or delivery of food and beverage products. Under previous law, producers could only sell directly to consumers.

The new law will also add eggs and dairy products to the foods that can be sold at farmer’s markets, farms, ranches, producer’s homes or offices, and the retail location of the third-party sellers.

The House passed SF102 by [a 62-0 vote](#). The Senate approved the measure by [a 30-1 vote](#). With Gov. Mark Gordon’s signature, the law went into effect on July 1.

Expanding the market for eggs and dairy could provide some

relief for Wyoming residents struggling to deal with price inflation. The price of both eggs and milk has increased precipitously over the last year. Opening up the market to more producers and sellers could help the people of Wyoming to get some relief from the money-printing frenzy of recent years.

## **Wyoming Leads the Way**

Wyoming was the first state to enact a comprehensive Food Freedom Act back in 2015. The law allows the sale of many foods and food products direct from the producer to the consumer without adhering to onerous state regulatory and licensing requirements. The expansive law even allows poultry farmers with fewer than 1,000 birds to sell chicken and turkey, along with products made from their birds outside of the regulatory system. It also authorizes the sale of raw milk, rabbit meat and most farm-raised fish.

In 2020, [the state expanded food freedom](#) to allow consumers to buy individual cuts of meat through herd-share agreements. The law is modeled on laws that allow the sale of raw milk in some states. Consumers pay the rancher a fee for a “share” in either an individual animal or a herd. In return, the consumer gets cuts of meat. A second expansion allows for the sale of “non-potentially hazardous” homemade foods to be sold in retail stores and restaurants. “Potentially-non hazardous foods are defined as ” food that does not require time or temperature control for safety and includes jams, uncut fruits and vegetables, pickled vegetables, hard candies, fudge, nut mixes, granola, dry soup mixes excluding meat-based soup mixes, coffee beans, popcorn and baked goods that do not include dairy or meat frosting or filling or other potentially hazardous frosting or filling.

Following Wyoming’s lead, North Dakota and Utah passed similar laws. In 2017, [Maine enacted a law](#) that gives local governments the authority to enact ordinances regulating local

food distribution without state interference.

Food freedom laws not only open markets, expand consumer choice, and create opportunities for farmers and entrepreneurs; they take a step toward restoring the United States' original political structure. Instead of top-down, centralized regulatory schemes, these laws encourage local control, and they can effectively nullify federal regulatory schemes in effect by hindering the enforcement of federal regulations.

[Food freedom has flourished in these states](#) with hundreds of local businesses sprouting up in recent years without a single report of foodborne illness.

## **Federal Control**

While state law does not bind the FDA, the passage of food freedom laws creates an environment hostile to federal food regulation in those states. And because the state does not interfere with local food producers, that means it will not enforce FDA mandates either. Should the feds want to enforce food laws in states with food freedom laws, they have to do so by themselves.

As we've seen with marijuana and industrial hemp, a federal regulation becomes ineffective when states ignore it and pass laws encouraging the prohibited activity anyway. The federal government lacks the enforcement power necessary to maintain its ban, and people will willingly take on the small risk of federal sanctions if they know the state will not interfere. This increases when the state actively encourages "the market."

Less restrictive food laws almost certainly have a similar impact on FDA regulation. They make it that much more difficult for the feds to enforce their will within the state.

While FDA apologists claim the agency only wants to protect

consumers, in truth, federal regulations tend to benefit big companies and squeeze out family farms. In the name of safety, FDA regulations limit your ability to access local, fresh food.

For example, the Wholesome Meat Act of 1967 mandates meat must be slaughtered and processed at a federally inspected slaughterhouse, or one inspected in a state with meat inspection laws at least as strict as federal requirements. Small slaughterhouses cannot meet the requirements. As a result, the [meat processing industry went through massive consolidation](#). Since the passage of the act, the number of slaughterhouses dropped from more than 10,000 to less than 3,000. Today, instead of hundreds of companies processing meat, three corporations control virtually the entire industry.

This does not promote food safety. In fact, by concentrating meat processing in a few facilities, the likelihood of widespread contamination increases. A single sick cow can infect thousands of pounds of beef in one of these corporate slaughterhouses. In a more diversified, decentralized system, outbreaks generally remain limited to small regions. You never saw these nationwide recalls in the era of diversified meat processing.

The Food Safety Modernization Act ([FSMA](#)) “directs FDA to build an integrated national food safety system in partnership with state and local authorities explicitly recognizing that all food safety agencies need to work in integrated ways to achieve public health goals.”

Essentially, this means [dictating state food laws](#).

Constitutionally, food safety falls within the powers reserved to the states and the people. The feds have no authority to enforce food safety laws within the borders of a state. Food freedom laws undermine these federal regulatory schemes.

Widespread adoption of food freedom, along with state and local refusal to enforce federal mandates, could make FDA regulations virtually impossible to enforce and nullify them in effect and practice.

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# REAL ID in the US: 15 Years On and Still Not in Full Effect

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*“But even as of December 2022, only 17 percent of IDs in Kentucky were REAL ID compliant. The fact that the department has extended the deadline for another two years indicates a high level of non-compliance. The federal government does not want the political fallout it would face by effectively banning millions of people from domestic air travel...*

*The federal government’s struggle to implement REAL ID for what will be at least 17 years reveals a dirty little secret – the feds can’t do much of anything when states refuse to cooperate. This was the blueprint James Madison gave*

*in Federalist #46 to resist “unwarrantable” or even unpopular federal acts. He said that a “refusal to cooperate with officers of the union” would create impediments and obstructions that would stymie federal actions...”*



## REAL ID: 15 Years On and Still Not in Full Effect

by [Mike Maharrey](#), [Tenth Amendment Center](#)

May 11, 2023

On this date in 2008, the REAL ID Act was supposed to go into effect.

It didn't.

And it still isn't in full effect to this day.

Last December, the Department of Homeland Security (DHS) extended the enforcement deadline yet again for two more years, announcing it would not begin enforcing REAL ID requirements until May 2025.

In fact, the DHS has delayed the full implementation of REAL ID multiple times since Congress passed the act in 2005 with an original **implementation date of May 11, 2008**. Even with the federal government badgering states and using the threat of turning them into virtual no-fly zones to compel the adoption of REAL ID, the feds have found it incredibly difficult to coerce states into compliance.

The bottom line is due to intense opposition and foot-dragging by the states, REAL ID won't be in full effect until **at least** 17 years after the initial implementation date – and that's assuming the DHS doesn't extend the deadline again.

This proves that “the Father of the Constitution” was right. [Nullification works](#).

James Madison told us that a “refusal to cooperate with officers of the Union” would create “very serious impediments” for federal enforcement – in just a single state. If a number of states did the same, he said it “would present obstructions which the federal government would hardly be willing to encounter.”

This is exactly what has happened with REAL ID.

## **Background**

President George W. Bush signed the REAL ID Act into law in 2005, essentially mandating a national ID system and putting the onus of implementation on each state.

But things didn’t go smoothly from the beginning, and by any conceivable measure, the implementation of REAL ID has been an abject failure because of widespread state resistance and refusal to cooperate with the scheme.

Most states simply ignored the law, and many rebelled outright for several reasons, including privacy concerns, along with the fact that Congress didn’t provide any funding for the mandates it expects states to implement. A large number of states simply chose not to act. New Hampshire, Missouri, Maine, Oklahoma and others took things a step further, passing laws **expressly prohibiting** compliance with the national ID standards.

Instead of forcing the issue, the feds issued waiver after waiver.

The DHS started extending deadlines almost immediately. On January 29, 2008, the agency issued REAL ID regulations that created a gradual implementation schedule. States would have until the mandated implementation date of May 11, 2008, to become “materially” compliant with the act but could ask for

an extension valid until the end of 2009. It also set a date of May 10, 2011, for full compliance.

In December 2009, [the DHS extended the date](#) for “material compliance” because “a large majority of states and territories—46 of 56—have informed DHS that they will not be able to meet the Dec. 31 REAL ID material compliance deadline.” At the time, it left the full compliance date in place.

That date came and went. In December 2012, the DHS [announced](#) that only 13 states had met the law’s requirements and that beginning the following month, all the other states would get a deferment.

*“Beginning January 15, 2013, those states not found to meet the standards will receive a temporary deferment that will allow Federal agencies to continue to accept their licenses and identification cards for boarding commercial aircraft and other official purposes.”*

On and on it went, with new extensions and deferments year after year.

Ten years after its passage, more than half the states in the Union still had not complied with REAL ID. Of the 28 not in compliance, 21 had “extension waivers” until October 2016.

“There is an impasse,” Edward Hasbrouck a privacy advocate with the Identity Project [told the New York Times](#) in December 2015. “There has been a standoff for more than a decade now. The feds have limited powers to coerce the states in this case.”

In 2016, the feds [ratcheted up their bullying tactics](#), specifically threatening to stop accepting noncompliant licenses at TSA security checkpoints. This would effectively ground travelers from states that refuse to comply with the



unconstitutional national ID scheme. On Oct. 13, 2016, the Department of Homeland Security (DHS) sent letters to five states denying their request for time extensions to bring their driver's licenses in compliance with REAL ID. At the time, the DHS set a 2018 deadline but still allowed for individual state extensions.

Instead of standing their ground, politicians began to cave. Idaho reversed its ban on Real ID implementation in 2016. Oklahoma followed suit the next year. At least six other states reversed course during this time period. Missouri lifted its ban on Real ID in 2018.

With states clamoring to get compliant, the enforcement deadline was ultimately extended to October 2020 and then again to October 2021.

After almost yearly implementation delays since 2008, it appeared DHS was seriously going to start enforcing the act in 2021. But in yet another about-face in April of that year, the Department extended the October 2021 deadline to May 2023. At the time, DHS said only 43 percent of American driver's licenses were REAL ID compliant. That percentage has likely increased in the last two years, but the DHS did not provide any compliance data in its latest extension notice.

But even as of December 2022, only [17 percent of IDs in Kentucky were REAL ID compliant](#). The fact that the department has extended the deadline for another two years indicates a high level of non-compliance. The federal government does not want the political fallout it would face by effectively banning millions of people from domestic air travel.

And now the deadline stands May 2025.

We'll see how that works out.

The federal government's struggle to implement REAL ID for what will be at least 17 years reveals a dirty little secret –

the feds can't do much of anything when states refuse to cooperate. This was [the blueprint James Madison gave](#) in *Federalist #46* to resist "unwarrantable" or even unpopular federal acts. He said that a "refusal to cooperate with officers of the union" would create impediments and obstructions that would stymie federal actions.

This has certainly proved true when it comes to REAL ID.

But we also see another less pleasant reality in this saga. We can't trust politicians to hold the line. State legislators and governors held the feds at bay for over a decade. It wasn't until they started to cave that REAL ID gained any momentum toward implementation. And even then, the federal government has still faced a rocky road.

Ultimately, it takes public action to stop government overreach. We can't just turn our heads and hope elected officials will do their job. That only happens when we keep the pressure on.

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**Florida Passes Bill to Ban  
use of a CBDC as Money in the  
State: Bill Now Goes to**

# Governor to Sign

## [Florida Passes Bill to Ban use of a CBDC as Money in the State: Bill Now Goes to Governor to Sign](#)

by [Mike Maharrey](#), [Tenth Amendment Center](#)

May 2, 2023

**TALLAHASSEE**, Fla. (May 2, 2023) – Today, the Florida House overwhelmingly gave final approval to a bill that would ban the use of a central bank digital currency (CBDC) as money in the state.

Senate Bill 7054 ([S7054](#)) was approved for introduction in the Banking and Insurance Committee on April 11. The bill would explicitly exclude a CBDC from the definition of money in Florida, effectively banning its use as such in the state.

The bill defines central bank digital currency as a “digital medium of exchange, or digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank, or a foreign reserve system that is made directly available to a consumer by such entities” and that is “processed or validated directly by such entities.”

Under the Florida Uniform Commercial Code (UCC), “money” means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.”

S7054 would add “the term does not include a central bank digital currency” to that definition.

The UCC is a set of uniformly adopted state laws governing

commercial transactions in the U.S. According to the [Uniform Law Commission](#), “Because the UCC has been universally adopted, businesses can enter into contracts with confidence that the terms will be enforced in the same way by the courts of every American jurisdiction. The resulting certainty of business relationships allows businesses to grow and the American economy to thrive. For this reason, the UCC has been called ‘the backbone of American commerce.’”

If Florida enacts S7054, the UCC will no longer be uniform.

Today, the House passed S7054 by a vote of 116-1. The bill previously passed the Senate by [a 34-5 vote](#). The legislation now goes to Gov. Ron DeSantis’s desk for his consideration. He is expected to quickly sign the bill into law.

The legislation is a companion to House Bill 7049 ([H7049](#)), sponsored by Rep. Wyman Duggan, who introduced the bill after Gov. DeSantis called for a ban on CBDC as money in the state.

“Today’s announcement will protect Florida consumers and businesses from the reckless adoption of a ‘centralized digital dollar’ which will stifle innovation and promote government-sanctioned surveillance. Florida will not side with economic central planners; we will not adopt policies that threaten personal economic freedom and security,” DeSantis said in [an official statement](#).

## **Central Bank Digital Currencies (CBDC)**

Digital currencies exist as virtual banknotes or coins held in a digital wallet on your computer or smartphone. The difference between a central bank (government) digital currency and peer-to-peer electronic cash such as bitcoin is that the value of the digital currency is backed and controlled by the government, just like traditional fiat currency.

Government-issued digital currencies are sold on the promise

of providing a safe, convenient, and more secure alternative to physical cash. We're also told it will help stop dangerous criminals who like the intractability of cash. But there is a darker side – the promise of control.

At the root of the move toward government digital currency is “the war on cash.” The elimination of cash creates the potential for the government to track and even control consumer spending.

Imagine if there was no cash. It would be impossible to hide even the smallest transaction from the government's eyes. Something as simple as your morning trip to Starbucks wouldn't be a secret from government officials. As [Bloomberg put it](#) in an article published when China launched a digital yuan pilot program in 2020, digital currency “offers China's authorities a degree of control never possible with physical money.”

The government could even “turn off” an individual's ability to make purchases. *Bloomberg* described just how much control a digital currency could give Chinese officials.

*The PBOC has also indicated that it could put limits on the sizes of some transactions, or even require an appointment to make large ones. Some observers wonder whether payments could be linked to the emerging social-credit system, wherein citizens with exemplary behavior are 'whitelisted' for privileges, while those with criminal and other infractions find themselves left out. 'China's goal is not to make payments more convenient but to replace cash, so it can keep closer tabs on people than it already does,' argues Aaron Brown, a crypto investor who writes for Bloomberg Opinion.*

Economist Thorsten Polleit outlined the potential for Big Brother-like government control with the advent of a digital euro in [an article published by the Mises Wire](#). As he put it, “the path to becoming a surveillance state regime will accelerate considerably” if and when a digital currency is

issued.

In 2022, the Federal Reserve released a “discussion paper” examining the pros and cons of a potential US central bank digital dollar. According to [the central bank's website](#), there has been no decision on implementing a digital currency, but this pilot program reveals the idea is further along than most people realized.

## **What's Next**

Gov. DeSantis will have 15 days from the date S7054 is sent to his desk to sign or veto the bill.

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