

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

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**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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