

WYOMING GUIDELINES FOR FARMERS' MARKETS 2008

What can be sold without a license?

Agricultural producers who sell fresh whole raw fruits and vegetables. Food products such as whole wheat, beans, potatoes, onions, etc. Herbs and sprouts sold as a food product, not as nursery stock.

Wyoming un-graded eggs must meet labeling and temperature requirements.

Pet treats that are not considered "Pet Food". Pre-packaged pet treats must be labeled with name of product, processor name and address, ingredient statement, net weight and protein, fat and fiber declaration. If sold in bulk, only an ingredient placard is needed at point of sale. All of these products do need to be registered.

When is a license required?

Any person processing, distributing storing or preparing any food for wholesale or retail use shall obtain a food license from the department of agriculture or local health department.

Examples are:

- Agricultural products bought from another source
- Meat and poultry from a Wyoming state or federally inspected plant

The following must be prepared in a licensed and inspected establishment (may not be prepared in private home kitchens)

- Processed foods such as honey, jam and jellies, salsas, relishes, dressings, spices, etc.
- Baked goods such as breads, rolls, cakes, cookies and double crusted pies

Note: Establishment means and includes any place or any area of any establishment in which food ... (is) displayed for sale, manufactured, processed, packed, held or stored (and) includes ... an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food. (Wyoming Food Safety Rule, Chapter 1, Section 8 (iv)).

Nursery stock – plants, shrubs, trees and herbs grown for the purpose of ornamentals, landscaping or windbreaks. Does not include cut flowers or plant parts grown or offered for consumption as human food or as feed for animals. A license must be obtained from the Wyoming Department of Agriculture. Must also comply with the other requirements of the Wyoming Nursery and Greenhouse Law.

Seeds – seller of any agricultural vegetable, flowers, tree, crop and grass shall have a seed dealers license from the Wyoming Department of Agriculture. Must comply with the other requirements of the Wyoming Seed Law and Regulations

What other license maybe needed?

Temporary food establishment –persons providing products to be sampled at the market such as fruit and vegetables, or prepare food at the market must meet requirements and obtain a temporary food permit from the department of agriculture or local health department. The permit is valid for 14 consecutive days. (Wyoming Food Safety Rule Chapter 1, Section 8 (clxvi))

Sales made by weight must be weighed with a certified scale with an affixed tested and approved seal from the Wyoming Department of Agriculture, and obtain a weights and measures license.

What cannot be sold? (This list in not all inclusive)

Home canned products such as green beans, tomatoes, pickles, jams and jellies, syrups
Raw (unpasteurized) milk
Meat and poultry that have not been processed under state or federal inspection
Cream pastries or pies
Pet foods not meeting federal regulations

What are the methods of sales?

Food products should be priced by the piece, bunch, bag or by weight.

Product packaged (bagged) on site the day of sale for sanitary or conveyance is acceptable. These products do not require labeling. Wyoming Weights and Measures Law 40.10-117 (a) (vii).

Pre-packaged products are any product that is packaged prior to arriving at a market and must meet all labeling requirements of Wyoming Food Rule and Weights and Measure laws and regulations. These require name of product, ingredient statement, processor/distributor, name and address and net weight.

Licensing fees:

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| Weights and Measures | \$25.00 annual |
| Seed Dealers | \$25.00 annual |
| Nursery Stock | \$25.00 annual |
| Pet Treats | \$20.00 per product / annual registration |

Food License initial \$100.00, \$50.00 annual renewal
Temporary – 14 consecutive days \$25.00

Questions contact: Consumer Health Services 307-777-7211
Technical Services 307-777-7324