Welcome to the
NACCHO & CDC Food Safety Sharing Session

Microenterprise Home Kitchens

November 4, 2022
2:00 PM – 3:00 PM

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Questions may be submitted/upvoted via the Q&A box.
This webinar is being recorded.
Today’s Presenters

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Webinar Agenda

State Food Freedom/ MicroEnterprise Kitchens Legislation

Wyoming’s Food Freedom Act

Questions & Answers
Doug Farquhar, JD
Director of Government Affairs

November 2022
Food Freedom Legislation Expanded in 2022

<table>
<thead>
<tr>
<th>Food Freedom Activity</th>
<th>Number of States</th>
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<tbody>
<tr>
<td>Bills introduced</td>
<td>45</td>
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<tr>
<td>Bills enacted into law</td>
<td>9</td>
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<td>Do not require inspection of homemade food business</td>
<td>32</td>
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<tr>
<td>Do not license, permit, or register home-based food businesses</td>
<td>25</td>
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<tr>
<td>Require extensive inspections and permitting for home-based food businesses</td>
<td>6 + DC</td>
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Microenterprise Kitchens Are Home Kitchens

Sale of home-kitchen prepared foods without any state/local regulatory oversight
California Enacts Microenterprise Act

Microenterprise Home Kitchen Operations Act

- A food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to consumers
- No limitations but must provide state with list including "All food types or products that will be handled"
- Inspection, permitting, education required
Maine Enacts Food Sovereignty Act

**Food Sovereignty Act**

- Food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.
- Direct to consumers at the point of production
- Municipalities must pass ordinances allowing for sale of food or food products without registration, inspection, licensure, or permits.
Maine Amends Its Constitution – Right to Food


All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.
Montana Local Food Choice Act

- exempts producers who sell specific homemade food products from licensing, certification, packaging, labeling, and inspection requirements
- "The action may be performed by the producer or the producer's designated agent at a... home.... "Transactions pursuant to this chapter: must be directly between the producer and the informed end consumer; must be only for home consumption..."
- "Homemade" means food or a food product that is prepared in a private home and that is not licensed, permitted, certified, packaged, labeled, or inspected per any official regulations.
North Dakota Enacts Cottage Food Law

Cottage Food Law/Food Freedom Law

- Any baked goods, jams, jellies, and other food and drink products except “uninspected products made from meat.“
- Sales only direct to informed end consumer.
- Home consumption only.
- No testing, registration, inspection, permitting, licensing, education required
Oklahoma Adopts Food Freedom Act

Homemade Food Freedom Act

- Food and beverages are covered
- Cannot contain seafood or meat, meat by-products, meat food products, poultry, poultry products, or poultry food products
- Food safety education <8 hours required to sell
Utah Amends Home Kitchen Rules

Microenterprise Home Kitchen Amendments

• Any foods except alcohol, raw dairy, and most meat products.
• Sales direct to informed final consumer
• Microenterprise home kitchen permit required
Vermont Allows Home Caterer License

**Home Caterer License**

- Prepackaged or on-demand food items
- Meat and poultry products may only be sold as meals direct to consumer
- Food prepared and wrapped in home kitchen using only standard home kitchen equipment and sold as take-out or for commercial resale
- Inspection and labeling required
Wyoming Passes Food Freedom Act

Food Freedom Act

- Direct 3rd party vendor or informed consumer
- Sale and delivery may take place at a farm, ranch, farmers market, office, or any location agreed to between the producer and the informed end consumer.
- No testing, inspection, permitting required
1,048 Food Safety Bills Introduced
Wyoming’s Food Freedom Act

2022 Microenterprise Home Kitchens
Wyoming passed the Original Food Freedom Act in 2015, and it has been amended three times since its adoption.

- Expanded in 2017
- Amendment in 2020
- Amended again in 2021
What's included

- 2015 version allowed for potentially and non-potentially hazardous foods to be sold from the home or farmer’s market.
- 2017 added the sale of poultry under the USDA 1000 bird exemption and included additional locations such as farmers’ markets.
- 2020 defined non-potentially hazardous and potentially hazardous food.
  - Herd shares
  - Third-party sales of non-potentially hazardous
- 2021 added the exemption of Eggs.
Challenges

- Each amendment added a layer of complexity
- Apps and false information
- Complaints of filthy conditions or poor quality
- It has created compliance concerns about the “equal to” status for the meat inspection program
- Facilities that want to license some products and operate under the Food Freedom Act for others
- May not be more restrictive than federal law
- Building and zoning regulations for operating a restaurant out of the home
- Insurance Concerns
- Compliance cases have tripled
- Salvage products
Legislation

- License Fee Increase $200 initially and $100 every year after
- Temporary permits increased from $25 to $50
- Gave us authority to investigate outbreaks only
- Conflicts with other statutes about food from home kitchens
Thank you for attending today’s webinar!
You will receive a follow-up email with the webinar recording and slides.