

1 ENGROSSED HOUSE
2 BILL NO. 3190

By: Patzkowsky, Pfeiffer and
Fincher of the House

3 and

4 Pederson and Hall of the
5 Senate

6
7
8 An Act relating to agriculture; creating the Oklahoma
9 Farmers Market and Farmers Hub Act; defining terms;
10 providing registration application process for
11 farmers markets; listing products that may be sold at
12 registered farmers markets; authorizing registration
13 of farmers hubs; providing requirements for farm-
14 direct marketer selling products; authorizing the
15 Oklahoma Department of Agriculture, Food, and
16 Forestry to promulgate rules; providing for
17 codification; and providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 5-3A.1 of Title 2, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and cited as the "Oklahoma Farmers
23 Market and Farmers Hub Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5-3A.2 of Title 2, unless there
is created a duplication in numbering, reads as follows:

1 As used in the Oklahoma Farmers Market and Farmers Hub Act:

2 1. "Farm-food producer" means a person, including family
3 members and employees, who grows, raises and harvests agricultural
4 products to the point at which the products are ready for sale;

5 2. "Approved" means conforming to scientific principles,
6 applicable federal, state and local laws and generally recognized
7 industry standards that protect public health;

8 3. "Approved source" means a source that is licensed and
9 inspected by a recognized regulatory authority and whose license is
10 in good standing;

11 4. "Farm-direct marketer" means a farm-food producer, value-
12 added processor or a designated representative who sells approved
13 farm food and value-added products from approved sources by
14 consignment;

15 5. "Farmers hub" means a designated area where farm food and
16 value-added products from approved sources are sold on a consignment
17 basis for farm-food producers;

18 6. "Farmers market" means a designated area where farm-food
19 producers and value-added processors from a designated region gather
20 on a regularly scheduled basis to sell approved farm food and value-
21 added products from approved sources directly to the purchaser;

22 7. "Farm food" means food made from products grown or raised on
23 a farm, including crops, crops grown on trees, crops from vines and
24 bushes, livestock and aquatic goods;

1 8. "Manager or advisory board member" means the individual
2 listed on file with the Oklahoma Department of Agriculture, Food,
3 and Forestry as the point of contact who is responsible for
4 coordination of the farmers market or famers hub, and is responsible
5 for filing all official documents and all communications with the
6 Department;

7 9. "Time and Temperature Controlled for Safety" means a food
8 that requires time and temperature control for safety to limit
9 pathogenic microorganism growth or toxin formation and which meets
10 all other aspects of the definition of "Time/Temperature Control for
11 Safety Food" pursuant to Section 257-1-2 of Title 310 of the
12 Oklahoma Administrative Code; and

13 10. "Value-added processor" means a person, including family
14 members and employees, who processes a raw agricultural product into
15 items ready for sale so long as a portion of the finished product
16 was grown by the seller or seller's family members or employees.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 5-3A.3 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 A. A manager or an advisory board member may register a farmers
21 market with the Oklahoma Department of Agriculture, Food, and
22 Forestry if the farmers market meets the eligibility requirements
23 identified in the Oklahoma Farmers Market and Farmers Hub Act.

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1 B. A manager or an advisory board member of a registered
2 farmers market shall ensure the following are met for the farmers
3 market:

4 1. A complete registration application is submitted to the
5 Oklahoma Department of Agriculture, Food, and Forestry containing
6 the following information:

- 7 a. location of the farmers market,
- 8 b. name and contact information for the manager or
9 advisory board members for the farmers market,
- 10 c. letters of intent to sell at the farmers market from a
11 minimum of four independent vendors of raw food
12 products,
- 13 d. proposed annual calendar including months, days and
14 hours of operation,
- 15 e. defined geographic region of eligible vendors,
- 16 f. written acknowledgement of the State Department of
17 Health rules found at Title 310, Chapters 257 and 260
18 of the Oklahoma Administrative Code,
- 19 g. a list of types of benefits accepted as payment,
20 including but not limited to Supplemental Nutrition
21 Assistance Program (SNAP), Women and Infant Children
22 (WIC) and tribal aid programs,

- 1 h. intended methods for promotion of the farmers market,
2 including websites, social media and other
3 advertising,
- 4 i. a copy of the farmers market guidelines or bylaws, if
5 applicable, and
- 6 j. any other information required by rules promulgated
7 pursuant to the Oklahoma Farmers Market and Farmers
8 Hub Act;

9 2. Open for business at least one (1) day a week and at least
10 four (4) months of the year;

11 3. Open to the general public for purchase of products;

12 4. Sales are only direct to purchasers from the farm-food
13 producer or value-added processor;

14 5. The grower, producer or employees of the grower or producer
15 are knowledgeable of the products offered for sale and are present
16 to answer questions to the purchaser;

17 6. Compliance with all local, state and federal laws regarding
18 retail sales, including, but not limited to, tax compliance and all
19 licensing from state and federal entities; and

20 7. Any other conditions provided in rules promulgated pursuant
21 to the Oklahoma Farmers Market and Farmers Hub Act.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 5-3A.4 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 The following products may be sold at a registered farmers
2 market:

3 1. Raw, uncut produce;

4 2. Whole shell eggs so long as properly licensed by the
5 Oklahoma Department of Agriculture, Food, and Forestry;

6 3. Meat, so long as it is in compliance with all Oklahoma
7 Department of Agriculture, Food, and Forestry regulations for sales
8 of meat, and so long as it is appropriately licensed by the State
9 Department of Health;

10 4. Baked goods that qualify pursuant to the Home Bakery Act;

11 5. Processed foods and Time/Temperature Control for Safety Food
12 that meet all local, state and federal requirements and are made
13 with at least a portion of ingredients grown or raised in Oklahoma
14 or are processed in Oklahoma;

15 6. Nonfood items only if those items account for less than
16 twenty-five percent (25%) of the overall sales at the farmers
17 market; and

18 7. Any other items listed in rules promulgated pursuant to the
19 Oklahoma Farmers Market and Farmers Hub Act.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5-3A.5 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 A. A manager or advisory board member may register a farmers
24 hub with the Oklahoma Department of Agriculture, Food, and Forestry.

1 B. The manager or advisory board member shall ensure all
2 qualifications of a farmers market are met, provided the farm-food
3 producer or the value-added producer does not have to be present and
4 products may be sold by a farm-direct marketer.

5 C. The farm-direct marketer shall:

6 1. Be prohibited from representing that products offered for
7 sale on consignment are his or her own;

8 2. Be required to have the proper licenses, permits, or
9 registrations from applicable local, state and federal agencies;

10 3. Display proper identification of the product and
11 documentation of ingredients clearly and conspicuously for any item
12 on consignment, including, but not limited to, the following:

13 a. name of the product,

14 b. business or farm name of the consigning farm-food
15 producer, and

16 c. address of where the product was grown or processed;

17 4. Acknowledge that ownership of consigned products remains
18 with the farm-food producer who produced the product until the
19 product is sold to the purchaser;

20 5. Maintain separate sales logs for products sold on
21 consignment for a minimum of two (2) years, including, but not
22 limited to, the following:

23 a. the name of the consigning farm-food producer,
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