

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1785, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Hall

Hall-QD-FS-Req#3952
2/24/2020 6:25 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1785

By: Hall of the Senate

and

6 Mize of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to farmers markets; creating the
11 Oklahoma Farmers Market and Farmers Hub Act; defining
12 terms; allowing certain persons to register a farmers
13 market with the Oklahoma Department of Agriculture,
14 Food, and Forestry; creating requirements for persons
15 registering a farmers market with the Department;
16 identifying products authorized for sale at
17 registered farmers markets; allowing certain persons
18 to register a farmers hub with the Department;
19 creating requirements for persons registering a
20 farmers hub with the Department; authorizing the
21 Department to promulgate rules; providing for
22 codification; and providing an effective date.

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 5-3A.2 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

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

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

8 2. "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 3. "Farm food" means food made from products grown or raised on
12 a farm including:

- 13 a. crops,
- 14 b. crops grown on trees,
- 15 c. crops grown on vines and bushes,
- 16 d. livestock, and
- 17 e. aquatic goods;

18 4. "Farm food producer" means a person including family members
19 and employees who grow, raise, and harvest agricultural products to
20 the point at which the products are ready for sale;

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

1 6. "Farmers market" means a designated area where farm food
2 producers and value-added processors from a designated region gather
3 on a consistently scheduled basis to sell approved farm food and
4 value-added products from approved sources directly to the
5 purchaser;

6 7. "Farm-direct marketer" means a farm food producer, value-
7 added processor, or a designated representative who sells approved
8 farm food and value-added products from approved sources by
9 consignment;

10 8. "Manager or advisory board member" means the individual
11 listed on file with the Oklahoma Department of Agriculture, Food,
12 and Forestry as the point of contact who is responsible for
13 coordination of the farmers market or farmers hub, and is
14 responsible for filing of all official documents and all
15 communications with the Department;

16 9. "Time/Temperature Control for Safety" means a food that
17 requires time/temperature control for safety to limit pathogenic
18 microorganism growth or toxin formation and which meets all other
19 aspects of the definition of "Time/Temperature Control for Safety
20 Food" pursuant to 310:257-1-2 of the Oklahoma Administrative Code;
21 and

22 10. "Value-added processor" means a person including family
23 members and employees, who processes a raw agricultural product into
24

1 items ready for sale so long as a portion of the finished product
2 was grown by the seller or seller's family members or employees.

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

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

10 B. A manager or an advisory board member of a registered
11 farmers market shall ensure the following are met for the farmers
12 market:

13 1. A complete registration application is submitted to the
14 Oklahoma Department of Agriculture, Food, and Forestry containing
15 the following information:

- 16 a. location of the farmers market,
- 17 b. name and contact information of the manager or
18 advisory board members for the farmers market,
- 19 c. letters of intent to sell at the farmers market from a
20 minimum of four independent vendors of raw food
21 products,
- 22 d. proposed annual calendar including months, days and
23 hours of operation,
- 24 e. defined geographic region of eligible vendors,

- f. written acknowledgement of the Oklahoma State Department of Health rules found at Title 310, Chapters 257 and 260 of the Oklahoma Administrative Code,
- g. a list of types of benefits accepted as payment including, but not limited to, Supplemental Nutrition Assistance Program (SNAP), Women and Infant Children (WIC) and tribal aid programs,
- h. intended methods for promotion of the farmers market including websites, social media and other advertising,
- i. a copy of the farmers market guidelines or bylaws, if applicable, and
- j. any other information required by rules promulgated pursuant to the Oklahoma Farmers Market and Farmers Hub Act;

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

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

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

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

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

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

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

9 The following products may be sold at a registered farmers
10 market:

11 1. Raw, uncut produce;

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

14 3. Meat, so long as in compliance with all Oklahoma Department
15 of Agriculture, Food, and Forestry regulations for sales of meat,
16 and so long as appropriately licensed by the State Department of
17 Health;

18 4. Baked goods that qualify pursuant to the Home Bakery Act of
19 2013;

20 5. Processed foods and Time/Temperature Control for Safety
21 Foods that meet all local, state, and federal requirements and are
22 made with at least a portion of ingredients grown or raised in
23 Oklahoma or are processed in Oklahoma;

1 6. Non-food items only if those items account for less than
2 twenty-five percent (25%) of the overall sales at the farmers
3 market; and

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

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

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

11 B. The manager or advisory board member shall ensure all
12 qualifications of a farmers market are met; however, the farm food
13 producer or the value-added processor does not have to be present
14 and products may be sold by a farm-direct marketer.

15 C. The farm-direct marketer shall:

16 1. Be prohibited from representing that products offered for
17 sale on consignment are their own;

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

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

23 a. name of the product,
24

1 b. business or farm name of the consigning farm food
2 producer or value-added processor, and

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

4 4. Acknowledge ownership of consigned products remains with the
5 farm food producer or value-added processor who produced the product
6 until the product is sold to the purchaser;

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

10 a. the name of the consigning farm food producer or
11 value-added processor,

12 b. the address, telephone number, and other contact
13 information of the consigning farm food producer or
14 value-added processor,

15 c. specific items sold on consignment, and

16 d. quantity of items sold on consignment; and

17 6. Comply with other requirements provided in rules promulgated
18 pursuant to the Oklahoma Farmers Market and Farmers Hub Act.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 5-3A.6 of Title 2, unless there
21 is created a duplication in numbering, reads as follows:

22 The Oklahoma Department of Agriculture, Food, and Forestry may
23 promulgate rules as necessary to carry out the provisions of this
24 act.

SECTION 7. This act shall become effective November 1, 2020.

57-2-3952 QD 2/24/2020 6:25:35 PM