

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1785

By: Hall

6 AS INTRODUCED

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

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

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

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

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

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

2 1. "Agricultural 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 an agricultural producer,
12 value-added processor, or a designated representative who sells
13 approved 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 agricultural producers;

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

23 7. "Manager or advisory board member" means the individual
24 listed on file with the Oklahoma Department of Agriculture, Food,

1 and Forestry as the point of contact who is responsible for
2 coordination of the farmers market or farmers hub, and is
3 responsible for filing of all official documents and all
4 communications with the Department;

5 8. "Farm food" means food made from products grown or raised on
6 a farm including:

- 7 a. crops,
- 8 b. crops grown on trees,
- 9 c. vines and bushes,
- 10 d. livestock, and
- 11 e. aquatic goods;

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

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

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

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

5 B. A manager or an advisory board member of a registered
6 farmers market shall ensure the following are met for the farmers
7 market:

8 1. A complete registration application is submitted to the
9 Oklahoma Department of Agriculture, Food, and Forestry containing
10 the following information:

- 11 a. location of the farmers market,
- 12 b. name and contact information of the manager or
13 advisory board members for the farmers market,
- 14 c. letters of intent to sell at the farmers market from a
15 minimum of four independent vendors of raw food
16 products,
- 17 d. proposed annual calendar including months, days, and
18 hours of operation,
- 19 e. defined geographic region of eligible vendors,
- 20 f. written acknowledgement of the Oklahoma State
21 Department of Health rules found at Title 310,
22 Chapters 257 and 260 of the Oklahoma Administrative
23 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 agricultural 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;

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

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

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

6 The following products may be sold at a registered farmers
7 market:

8 1. Raw, uncut produce;

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

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

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

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

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

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

1 SECTION 5. NEW LAW A new section of law to be codified

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

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

6 B. The manager or advisory board member shall ensure all
7 qualifications of a farmers market are met, however, the
8 agricultural producer or the value-added processor does not have to
9 be present and products may be sold by a farm-direct marketer.

10 C. The farm-direct marketer shall:

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

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

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

18 a. name of the product,

19 b. business or farm name of the consigning agricultural
20 producer or value-added processor, and

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

22 4. Acknowledge ownership of consigned products remains with the
23 agricultural producer or value-added processor who produced the
24 product until the product is sold to the purchaser;

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

- 4 a. the name of the consigning agriculture producer or
5 value-added processor,
6 b. the address, telephone number, and other contact
7 information of the consigning agricultural producer or
8 value-added processor,
9 c. specific items sold on consignment, and
10 d. quantity of items sold on consignment; and

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

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

16 The Oklahoma Department of Agriculture, Food, and Forestry may
17 promulgate rules as necessary to carry out the provisions of this
18 act.

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