

1 ENGROSSED HOUSE
2 BILL NO. 1008

By: West (Rick) of the House

3 and

4 Burns of the Senate

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6 An Act relating to agriculture; enacting the Oklahoma
7 Right to Garden Act of 2023; defining terms;
8 providing the right to grow vegetables in a vegetable
9 garden for personal consumption; providing that a
10 municipality, city, or town may enact certain
11 content-neutral ordinances regulating vegetable
12 gardens; providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3031 of Title 2, unless there is
17 created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Oklahoma Right
19 to Garden Act of 2023".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3032 of Title 2, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in this act:

24 1. "Residential property" means real property on which there is
a dwelling unit with accommodations for four or fewer separate

1 households and is further limited to the primary residence of a
2 person; and

3 2. "Vegetable garden" means a piece of property wholly located
4 within a person's residential property that is used to grow produce,
5 flowers, herbs, fungi, or grains for one's own consumption and
6 enjoyment and not for resale or distribution.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3033 of Title 2, unless there is
9 created a duplication in numbering, reads as follows:

10 A. It shall be the right of citizens of the State of Oklahoma
11 to engage in growing their own vegetables in a vegetable garden on
12 their personal property for personal consumption, subject to
13 restrictions rationally related to a governmental purpose.

14 B. Notwithstanding, this section shall not prohibit any
15 municipality, city, or town from enacting content-neutral ordinances
16 or regulations that address the following:

17 1. Limiting the size and proximity of gardens to roadways,
18 structures, or other locations that impact health and safety; or

19 2. The enforcement of constitutional and lawful ordinances
20 adopted by municipalities that are in conformity with general powers
21 of municipal governments within this state that are of a general
22 nature that do not specifically ban gardening, including, but not
23 limited to, regulations and ordinances relating to water usage

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1 during drought conditions, fertilizer use, or control of invasive
2 species.

3 SECTION 4. This act shall become effective November 1, 2023.

4 Passed the House of Representatives the 13th day of March, 2023.

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Presiding Officer of the House
of Representatives

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9 Passed the Senate the ___ day of _____, 2023.

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Presiding Officer of the Senate

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