

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3190

By: **Patzkowsky** and Pfeiffer

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7 AS INTRODUCED

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. "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 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, vines and bushes,
24 livestock and aquatic goods;

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

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

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

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

18 B. A manager or an advisory board member of a registered
19 farmers market shall ensure the following are met for the farmers
20 market:

21 1. A complete registration application is submitted to the
22 Oklahoma Department of Agriculture, Food, and Forestry containing
23 the following information:

24 a. location of the farmers market,

- 1 b. name and contact information for the manager or
2 advisory board members for the farmers market,
3 c. letters of intent to sell at the farmers market from a
4 minimum of four independent vendors of raw food
5 products,
6 d. proposed annual calendar including months, days and
7 hours of operation,
8 e. defined geographic region of eligible vendors,
9 f. written acknowledgement of the State Department of
10 Health rules found at Title 310, Chapters 257 and 260
11 of the Oklahoma Administrative Code,
12 g. a list of types of benefits accepted as payment,
13 including but not limited to Supplemental Nutrition
14 Assistance Program (SNAP), Women and Infant Children
15 (WIC) and tribal aid programs,
16 h. intended methods for promotion of the farmers market,
17 including websites, social media and other
18 advertising,
19 i. a copy of the farmers market guidelines or bylaws, if
20 applicable, and
21 j. any other information required by rules promulgated
22 pursuant to the Oklahoma Farmers Market and Farmers
23 Hub Act;

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

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

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

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

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

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

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

17 The following products may be sold at a registered farmers
18 market:

19 1. Raw, uncut produce;

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

22 3. Meat, so long as it is in compliance with all Oklahoma
23 Department of Agriculture, Food, and Forestry regulations for sales
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1 of meat, and so long as it is appropriately licensed by the State
2 Department of Health;

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

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

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

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

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

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

18 B. The manager or advisory board member shall ensure all
19 qualifications of a farmers market are met, provided the
20 agricultural producer or the value-added producer does not have to
21 be present and products may be sold by a farm-direct marketer.

22 C. The farm-direct marketer shall:

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

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

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

- 6 a. name of the product,
- 7 b. business or farm name of the consigning agricultural
8 producer, and
- 9 c. address of where the product was grown or processed;

10 4. Acknowledge that ownership of consigned products remains
11 with the agricultural producer who produced the product until the
12 product is sold to the purchaser;

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

- 16 a. the name of the consigning agricultural producer,
- 17 b. the address, telephone number and other contact
18 information of the consigning agricultural producer,
- 19 c. specific items sold on consignment, and
- 20 d. quantity of items sold on consignment; and

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

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

4 The Oklahoma Department of Agriculture, Food, and Forestry has
5 the authority to promulgate rules as necessary to carry out the
6 provisions of this act.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
10 dated 02/18/2020 - DO PASS, As Coauthored.

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