

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1008

By: West (Rick) of the House

and

Burns of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to agriculture; enacting the Oklahoma
11 Right to Garden Act of 2023; defining terms;
12 providing the right to grow vegetables in a vegetable
13 garden for personal consumption; providing that a
14 municipality, city, or town may enact certain
15 content-neutral ordinances regulating vegetable
16 gardens; providing for codification; and providing an
17 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 3031 of Title 2, unless there is
21 created a duplication in numbering, reads as follows:

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

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

1 As used in this act:

2 1. "Residential property" means real property on which there is
3 a dwelling unit with accommodations for four or fewer separate
4 households and is further limited to the primary residence of a
5 person; and

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

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

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

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

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

22 2. The enforcement of constitutional and lawful ordinances
23 adopted by municipalities that are in conformity with general powers
24 of municipal governments within this state that are of a general

1 nature that do not specifically ban gardening, including, but not
2 limited to, regulations and ordinances relating to water usage
3 during drought conditions, fertilizer use, or control of invasive
4 species.

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

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7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, dated 02/15/2023 - DO
8 PASS, As Amended and Coauthored.

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