

# An Act

ENROLLED SENATE  
BILL NO. 1785

By: Hall and Pederson of the  
Senate

and

Mize, Fincher, Roe,  
Patzkowsky, Pittman and  
Phillips of the House

An Act relating to farmers markets; creating the Oklahoma Farmers Market and Farmers Hub Act; defining terms; allowing certain persons to register a farmers market with the Oklahoma Department of Agriculture, Food, and Forestry; creating requirements for persons registering a farmers market with the Department; identifying products authorized for sale at registered farmers markets; allowing certain persons to register a farmers hub with the Department; creating requirements for persons registering a farmers hub with the Department; authorizing the Department to promulgate rules; providing for codification; and providing an effective date.

SUBJECT: Farmers markets

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

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".

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:

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

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

2. "Approved source" means a source that is licensed and inspected by a recognized regulatory authority and whose license is in good standing;

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

- a. crops,
- b. crops grown on trees,
- c. crops grown on vines and bushes,
- d. livestock, and
- e. aquatic goods;

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

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

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

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

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

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

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

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

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

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

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

- a. location of the farmers market,
- b. name and contact information of the manager or advisory board members for the farmers market,

- c. letters of intent to sell at the farmers market from a minimum of four independent vendors of raw food products,
  - d. proposed annual calendar including months, days and hours of operation,
  - 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;

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

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

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

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

1. Raw, uncut produce;
2. Whole shell eggs, so long as properly licensed by the Oklahoma Department of Agriculture, Food, and Forestry;
3. Meat, so long as in compliance with all Oklahoma Department of Agriculture, Food, and Forestry regulations for sales of meat and so long as appropriately licensed by the State Department of Health;
4. Baked goods that qualify pursuant to the Home Bakery Act of 2013;
5. Processed foods and Time/Temperature Control for Safety Foods that meet all local, state and federal requirements and are made with at least a portion of ingredients grown or raised in Oklahoma or are processed in Oklahoma;
6. Nonfood items, only if those items account for less than twenty-five percent (25%) of the overall sales at the farmers market; and
7. Any other items listed in rules promulgated pursuant to the Oklahoma Farmers Market and Farmers Hub Act.

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

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

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

C. The farm-direct marketer shall:

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

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

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

a. name of the product,

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

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

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

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

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

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

c. specific items sold on consignment, and

d. quantity of items sold on consignment; and

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

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

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

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

Passed the Senate the 9th day of March, 2020.

Stephanne Rice  
Presiding Officer of the Senate

Passed the House of Representatives the 14th day of May, 2020.

Michael Lerch  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14<sup>th</sup>

day of May, 20 20, at 5:33 o'clock pm M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 20<sup>th</sup>

day of May, 20 20, at 9:29 o'clock a M.

K. S. A.  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 20

day of May, 20 20, at 11:01 o'clock a M.

By: Michael Rogers