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AB-2324 Certified farmers' markets. (2015-2016)

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Assembly Bill No. 2324

CHAPTER 384

An act to amend Sections 47000.5 and 47001 of, and to add Section 47005.4 to, the Food and Agricultural Code, relating to certified farmers' markets.

[Approved by Governor September 16, 2016. Filed with Secretary of State September 16, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2324, Eggman. Certified farmers' markets.

Existing law provides for the regulation of certified farmers' markets and authorizes the Secretary of Food and Agriculture to adopt regulations to encourage the direct sale by farmers to the public of all types of California agricultural products.

This bill would specify the Legislature's intent that the secretary, in adopting those regulations, endeavor to keep costs incurred by farmers and certified farmers' market operators at a minimum, would authorize the secretary to adopt regulations clarifying the certified farmers' market provisions, and would revise the term "agricultural product" for purposes of the certified farmers' market provisions to include raw sheared wool. The bill would also add a provision specifying that nothing in the certified farmers' market provisions shall be interpreted to preclude a certified farmers' market operator from creating and keeping additional information or requiring a vendor to provide additional information, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 47000.5 of the Food and Agricultural Code is amended to read:

47000.5. The following definitions apply to this chapter, unless otherwise specified:

(a) (1) "Agricultural product" means a fresh or processed product produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey, pollen, unprocessed bees wax, propolis, royal jelly, flowers, grains, nursery stock, raw sheared wool, livestock meats, poultry meats, rabbit meats, and fish, including shellfish that is produced under controlled conditions in waters located in California.

(2) Products that are characterized as services, arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, clothing, fabrics, pastas, compost, fertilizers, candles, ceramics, foraged foods, and types of wares are not agricultural products for purposes of this chapter. A product that combines an agricultural product with a nonagricultural product or service in a manner that materially increases the purchase price of the product shall disqualify the product from being sold as an agricultural product for purposes of this chapter.

(b) "Practice of the agricultural arts" means the undertaking of being predominantly responsible for the decisions and actions encompassing the various phases of producing an agricultural product. The practice of the agricultural arts for fruit, floral, nut, vegetable, and other plant products includes directive or actual responsibility for all the actions of planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting. The practice of the agricultural arts for agricultural animal products includes directive or actual responsibility for a substantial time of the raising, feeding, veterinary care, and product harvesting.

(c) "Producer" means a person, partnership, corporation, or an otherwise legally formed farm or ranch that produces agricultural products by the practice of the agricultural arts upon land that the person or entity owns, rents, leases, sharecrops, or otherwise controls and has the documented legal right to possession. A person or entity that rents, leases, or otherwise acquires the right to possession of property essentially only for or limited to the period of the harvest season of the agricultural products produced on that property shall not be considered a producer under the provisions of this chapter.

SEC. 2. Section 47001 of the Food and Agricultural Code is amended to read:

47001. (a) The secretary may adopt regulations to encourage the direct sale by farmers to the public of all types of California agricultural products. It is the intent of the Legislature that, in adopting those regulations, the secretary shall endeavor to keep costs incurred by farmers and certified farmers' market operators to a minimum, recognizing that any administrative costs imposed on farmers and certified farmers' market operators are generally passed on in the form of increased prices to the public, thus economically benefiting neither the public nor the farmer.

(b) In accordance with the intent expressed in subdivision (a), the secretary may adopt regulations clarifying the provisions of this chapter, including the adoption of regulations for maintaining the quality and wholesomeness of the products offered for sale and promoting and fostering honest selling activities for those products.

(c) The secretary may enter into a cooperative agreement with a county agricultural commissioner to carry out the provisions of this chapter, including, but not limited to, administration, investigations, inspections, registrations, and assistance pertaining to direct marketing producers and outlets. Compensation under the cooperative agreement shall be paid from assessments and fees collected and deposited pursuant to this chapter and shall provide reimbursement to the county agricultural commissioner for associated costs exclusive of the costs of certification and minimum inspections required pursuant to Section 47020.

(d) Upon reasonable suspicion of a violation of Section 890, a certified farmers' market operator may contract with a county agricultural commissioner for a special onsite field or storage verification inspection of a direct marketing producer selling in a certified farmers' market operated and controlled by the operator. All contracts and contract fees are subject to the discretion of the county agricultural commissioner in the county where the verification inspections are being requested.

SEC. 3. Section 47005.4 is added to the Food and Agricultural Code, to read:

47005.4. Nothing in this chapter shall be interpreted to preclude the creation and keeping of additional information that a certified farmers' market operator may endeavor itself to create and keep, or to contractually require a vendor to provide additional information as a condition to selling in the operator's farmers' market.