

SECOND REGULAR SESSION

SENATE BILL NO. 1015

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 25, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5237S.011

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to local food sales permits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto one new
2 section, to be known as section 192.345, to read as follows:

**192.345. 1. As used in this section, the following terms shall
2 mean:**

3 **(1) "Agricultural products", the same meaning as in section
4 348.400;**

5 **(2) "Department", the department of health and senior services.**

6 **2. The department shall administer a program that issues
7 permits to individuals who intend to sell agricultural products at
8 multiple produce stands or farmer's markets when such stands or
9 markets are located in different local jurisdictions.**

10 **3. Individuals who wish to sell agricultural products at produce
11 stands or farmer's markets that are located in different local
12 jurisdictions may apply to the department for the permit authorized
13 under this section. If the individual is issued a permit, the permit shall
14 take the place of any local permit required in any of the jurisdictions
15 in which the individual is selling; however, no person shall be required
16 to acquire a permit under this section and no permit issued under this
17 section shall invalidate any local permit issued by a local jurisdiction.**

18 **4. Anyone issued a permit under this section shall present the
19 permit upon request by a local public health authority or the
20 department. Local public health authorities shall honor any such
21 permit presented, provided the permit is still valid and has not expired,**

22 and shall not require the individual to possess a local permit in
23 addition to the state permit. Possessing a permit under this section
24 does not waive or exempt an individual from any local or state food
25 inspection requirements or any other local, state, or federal food safety
26 law that would otherwise be applicable.

27 5. The department shall allow individuals to apply for the permit
28 under this section using an online application process, in addition to
29 any other application process the department chooses to make
30 available. The permit shall be valid for a period of three years from its
31 date of issuance and may be renewed. As part of the permit application
32 process, in addition to any other information the department deems
33 necessary, the department shall require the following information to be
34 submitted by the applicant:

- 35 (1) Name;
- 36 (2) Business address;
- 37 (3) A listing of all agricultural products intended to be sold; and
- 38 (4) Locations where the products are intended to be sold.

39 6. The department may charge an application processing fee not
40 to exceed twenty-five dollars per application. The fee shall be used by
41 the department to administer the provisions of this section.

42 7. The department shall promulgate rules to implement the
43 provisions of this section. Any rule or portion of a rule, as that term is
44 defined in section 536.010 that is created under the authority delegated
45 in this section shall become effective only if it complies with and is
46 subject to all of the provisions of chapter 536, and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable and if any of
48 the powers vested with the general assembly pursuant to chapter 536,
49 to review, to delay the effective date, or to disapprove and annul a rule
50 are subsequently held unconstitutional, then the grant of rulemaking
51 authority and any rule proposed or adopted after August 28, 2010, shall
52 be invalid and void.

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