

SECOND REGULAR SESSION

SENATE BILL NO. 926

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS SHOEMYER AND KEAVENY.

Read 1st time February 9, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4968S.02I

AN ACT

To amend chapter 261, RSMo, by adding thereto six new sections relating to the local foods initiative, with penalty provisions.

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

Section A. Chapter 261, RSMo, is amended by adding thereto six new
2 sections, to be known as sections 261.350, 261.353, 261.356, 261.359, 261.362, and
3 261.365, to read as follows:

**261.350. 1. Sections 261.350 to 261.365 shall be known and may
2 be cited as the "Local Foods Initiative".**

**3 2. For the purposes of sections 261.350 to 261.365, the following
4 terms shall mean:**

**5 (1) "Agricultural product", the same meaning as in section
6 348.400;**

**7 (2) "Agritourism", the act of visiting a working farm or any
8 agricultural operation for the purpose of enjoyment, education,
9 training or active involvement in the activities of the farm or
10 agricultural operation;**

11 (3) "Department", the Missouri department of agriculture;

**12 (4) "Farmers' market", a cooperative or nonprofit enterprise or
13 association that consistently occupies a given site throughout the
14 season, at a specific time and day of the week, which operates
15 principally as a common marketplace for a group of farmers, at least
16 two of whom are selling locally grown and processed agricultural
17 products directly to consumers, and where the products sold are
18 produced by the participating farmers;**

**19 (5) "Locally grown and processed", agricultural products grown
20 in the state and, to the extent processing was required, processed in the**

21 state; except that if processing within the state is not economical, a
22 product may be processed outside the state;

23 (6) "Small agribusiness", a business based in Missouri that
24 produces or processes agricultural products and has less than five
25 million dollars in gross annual sales;

26 (7) "Small farmer", an agricultural operation based in Missouri
27 that produces or processes agricultural products and that has gross
28 annual sales of less than five hundred thousand dollars.

29 3. Subject to appropriation, the department shall establish a
30 local foods initiative to improve the business climate for small farmers
31 and small agribusinesses and to promote a sustainable Missouri food
32 system. The department may provide technical and financial assistance
33 to small farmers, non-profit organizations, and small agribusinesses for
34 the branding, marketing, and distribution of locally grown and
35 processed agricultural products.

36 4. Under the provisions of sections 261.350 to 261.365 the
37 department shall:

38 (1) Administer the farm fresh schools program created under
39 section 261.353;

40 (2) Collaborate with the AgriMissouri program created under
41 sections 261.230 to 261.235 to:

42 (a) Assist small farmers and small agribusinesses to market
43 locally grown and processed agricultural products within the state;

44 (b) Assist in the coordination of the aggregation of locally grown
45 and processed agricultural products for sale or distribution;

46 (c) Support a marketing plan for locally grown and processed
47 agricultural products produced by small farmers and small
48 agribusinesses;

49 (d) Assist producers in obtaining certification for good
50 agricultural practices and good handling practices; and

51 (e) Promote and encourage agritourism;

52 (3) Administer the certification program created under section
53 261.356;

54 (4) Administer the grant program created under section 261.359;

55 (5) Collaborate with university extension and other federal,
56 state, and local programs that support the development and expansion
57 of local food production to meet increased consumer demand in

58 Missouri; and

59 (6) Administer funding appropriated for sections 261.350 to
60 261.365.

261.353. Subject to appropriation, the department shall create
2 the "Farm Fresh Schools Program" to reduce obesity, improve nutrition
3 and public health, and strengthen local agricultural economies by
4 increasing access to and consumption of locally grown and processed
5 foods in schools. Under this program, the department shall:

6 (1) Conduct an assessment on the availability of locally grown
7 and processed agricultural products that could be procured by schools;

8 (2) Develop a website or include in the department's website a
9 mechanism to link farmers and schools for the purpose of food
10 procurement;

11 (3) Work to link schools with local and regional farms in order
12 to provide schools with fresh and minimally-processed agricultural
13 products for inclusion in school meals, vending machines, salad bars,
14 and snacks;

15 (4) Emphasize the purchase and procurement of fresh and
16 minimally-processed agricultural products by schools in order to
17 improve child nutrition and strengthen local and regional farm
18 economies; and

19 (5) Promote the development of school gardens and encourage
20 local authorities to permit school-grown foods to be served in school
21 cafeterias.

261.356. 1. As part of the local foods initiative, the department
2 shall administer a certification program for small farmers and small
3 agribusinesses who wish to be officially designated as a producer of
4 locally grown and processed agricultural products.

5 2. The department shall establish criteria and guidelines for
6 obtaining the certification under this section and shall create logos,
7 trademarks, and other marketing materials consistent with the intent
8 of this section.

9 3. Anyone found to be displaying the trademarks or logos under
10 this section without proper certification shall be assessed an
11 administrative penalty of five hundred dollars for the first offense and
12 one thousand dollars for any subsequent offense. Any person who is
13 assessed an administrative penalty under this section shall be notified

14 in writing of the right to appeal. Such person may request a hearing
15 before the director of the department. The request shall be made in
16 writing no later than thirty days after the date on which the person
17 was notified of the violation.

261.359. 1. Subject to appropriation, the department shall
2 administer a community gardens grant program to establish community
3 gardens to enhance the availability of fresh fruits and vegetables,
4 promote healthy lifestyles, and educate the public on the importance
5 and value of community gardening, especially in urban areas.

6 2. Any grants awarded under this section shall be awarded on a
7 competitive basis and shall be used to help fund or defray the cost of
8 implementing community garden programs and related education. The
9 department shall promulgate rules for the grant program under this
10 section, including but not limited to, eligibility criteria, application
11 guidelines, and allowable uses of the grant funds.

261.362. All moneys appropriated for sections 261.350 to 261.365,
2 and any gifts, bequests, or donations to the program shall be deposited
3 in a subaccount of the AgriMissouri fund created under section 261.235,
4 which may be called the "local foods initiative subaccount".

261.365. The department may promulgate rules to implement the
2 provisions of sections 261.350 to 261.365. Any rule or portion of a rule,
3 as that term is defined in section 536.010 that is created under the
4 authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, and,
6 if applicable, section 536.028. This section and chapter 536 are
7 nonseverable and if any of the powers vested with the general assembly
8 pursuant to chapter 536, to review, to delay the effective date, or to
9 disapprove and annul a rule are subsequently held unconstitutional,
10 then the grant of rulemaking authority and any rule proposed or
11 adopted after August 28, 2010, shall be invalid and void.

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