

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1008

6 By: West (Rick)

7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; enacting the Oklahoma
9 Right to Garden Act of 2023; defining terms;
10 providing the right to grow vegetables in a vegetable
11 garden for personal consumption; providing that a
12 municipality, city, or town may enact certain
13 content-neutral ordinances regulating vegetable
14 gardens; providing for codification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3031 of Title 2, unless there is
19 created a duplication in numbering, reads as follows:

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

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

As used in this act:

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

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

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

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

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

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

21 2. The enforcement of constitutional and lawful ordinances
22 adopted by municipalities that are in conformity with general powers
23 of municipal governments within this state that are of a general
24 nature that do not specifically ban gardening, including, but not

1 limited to, regulations and ordinances relating to water usage
2 during drought conditions, fertilizer use, or control of invasive
3 species.

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

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