

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	6 - 2 - 0
<b>Yeas:</b>	Boone, Cowan, Esquivel, Sprenger, Clem, Jenson
<b>Nays:</b>	Johnson, Schaufler
<b>Exc.:</b>	0
<b>Prepared By:</b>	Beth Herzog, Administrator
<b>Meeting Dates:</b>	2/2, 2/7

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**WHAT THE MEASURE DOES:** Defines key terms. Exempts agricultural producers selling specific agricultural products directly to general public (farm direct marketer) from state laws regulating produce dealers and food establishments. Establishes that to be eligible for exemption sales of fruit-based syrups, preserves, jams, fruits and vegetables must have annual sales of less than \$20,000; be producer-processed; acidic foods; and labeled with ingredients and address of producer. Establishes that certain products must be labeled: “This product is homemade and is not prepared in an inspected food establishment.” Authorizes Department of Agriculture (Department) to require farm direct marketer or space used by farm direct marketer be licensed if they do not comply with Department rule for keeping clean, healthful and sanitary condition to ensure food safety.

**ISSUES DISCUSSED:**

- Other states considering similar legislation
- Food safety risks
- Work group process
- Department of Agriculture’s current regulatory practices

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies language. Authorizes Department to require farm direct marketer or space used by farm direct marketer be licensed if they do not comply with Department rule for keeping clean, healthful and sanitary condition to ensure food safety.

**BACKGROUND:** Current law does not require farm direct marketers who market and sell their own unprocessed produce to obtain a license from the Department to sell at farmers’ markets. The Department also doesn’t require that a farmers’ market be licensed as a “food establishment” under ORS 616.706. However, the Department has expressed some uncertainty as to whether a farmers’ market meets the definition of a “food establishment” in ORS 616.695. In response to this needed clarification, the 2010 Interim House Agriculture, Natural Resources, and Rural Communities Committee established a work group to develop policy recommendations that, if enacted, would guide the Department on how farmers’ markets should be regulated.