

Senate Bill 507

Sponsored by Senators GOLDEN, WEBER; Representative HELM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes certain changes to farm direct marketing law.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to farm direct marketing; creating new provisions; amending ORS 616.683; and prescribing
3 an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 616.683 is amended to read:

6 616.683. (1)[(a)] Except as provided in subsection [(7)] **(9)** of this section, **the following are not**
7 **subject to ORS 616.695 to 616.755:**

8 **(a) The use of space by a farm direct marketer for** the sale, or exposure or offering for sale,
9 of agricultural products described in subsections (2) and (3) of this section by a farm direct marketer
10 [*does not make the space used by the farm direct marketer subject to ORS 616.695 to 616.755*].

11 **(b) [Except as provided in subsection (7) of this section,]** The sale, or exposure or offering for sale,
12 of agricultural products described in subsections (2) and (3) of this section by a farm direct marketer
13 [*does not make the farm direct marketer or a consigning agricultural producer subject to ORS 616.695*
14 *to 616.755*].

15 **(c) [Except as provided in subsection (7) of this section,]** The storage or preparation of agricul-
16 tural products identified for sale by a farm direct marketer [*does not make the farm direct marketer*
17 *subject to ORS 616.695 to 616.755*].

18 (2) Subsection (1) of this section applies to farm direct marketer sales of the following types of
19 agricultural products:

20 (a) Fresh fruit, vegetables and herbs.

21 (b) Fruit, vegetables and herbs[, *if those items*] **that are:**

22 **(A)** Cured or dried by the agricultural producer as part of routine post-harvest handling[.];

23 **(B) Freeze dried; or**

24 **(C) Steam canned.**

25 (c) Dried fruits, vegetables and herbs for which drying is not part of routine post-harvest han-
26 dling, **or herbal tea or a blend of dried herbs**, if:

27 (A) The principal ingredients are grown by the agricultural producer; and

28 (B) The product is labeled with a list of ingredients and the name and address of the agricultural
29 producer.

30 **(d) Pasteurized fruit or vegetable juices that are producer-processed products.**

31 [(d)] **(e)** Shelled nuts and unshelled nuts, if those items are cured or dried by the agricultural

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 producer as part of routine post-harvest handling.

2 [(e)] (f) Fruit-based syrups, preserves, jams, fruits and vegetables, if those items are:

3 (A) Producer-processed products;

4 (B) Acidic foods;

5 (C) Labeled with a list of ingredients and the name and address of the agricultural producer;
6 and

7 (D) Bottled, packaged or canned by an agricultural producer that during the preceding calendar
8 year had annual sales of fruit-based syrups, preserves and jams, fruits and vegetables described in
9 subparagraphs (A) to (C) of this paragraph that in total did not exceed \$20,000 or a higher limit
10 established by State Department of Agriculture rule under ORS 616.686.

11 [(f)] (g) Shell eggs.

12 [(g)] (h) Honey, if not combined with other food ingredients.

13 [(h)] (i) Olive oil.

14 [(i)] (j) Whole, hulled, crushed or ground grains, legumes and seeds, if of a type customarily
15 cooked before consumption.

16 [(j)] (k) Parched or roasted grains, if of a type customarily cooked before consumption.

17 [(k)] (L) Popcorn, nuts, peppers and corn on the cob, if those items are roasted at the place of
18 purchase by the agricultural producer after purchase and not sold for immediate consumption.

19 [(L)] (m) Products identified by the department by rule.

20 (3) Subsection (1) of this section applies to consignment sales of the following types of agricul-
21 tural products:

22 (a) Fresh fruits, vegetables and herbs.

23 (b) Fruit, vegetables and herbs, if those items are cured or dried by the agricultural producer
24 as part of routine post-harvest handling.

25 (c) **Dried fruits, vegetables and herbs for which drying is not part of routine post-harvest
26 handling, if:**

27 (A) **The principal ingredients are grown by the agricultural producer; and**

28 (B) **The product is labeled with a list of ingredients and the name and address of the
29 agricultural producer.**

30 [(c)] (d) Unshelled nuts that are cured or dried by the agricultural producer as part of routine
31 post-harvest handling.

32 (e) **Fruit-based syrups, preserves, jams, fruits and vegetables, if those items are:**

33 (A) **Producer-processed products;**

34 (B) **Acidic foods;**

35 (C) **Labeled with a list of ingredients and the name and address of the agricultural pro-
36 ducer; and**

37 (D) **Bottled, packaged or canned by an agricultural producer that during the preceding
38 calendar year had annual sales of fruit-based syrups, preserves and jams, fruits and vegeta-
39 bles described in subparagraphs (A) to (C) of this paragraph that in total did not exceed
40 \$20,000 or a higher limit established by State Department of Agriculture rule under ORS
41 616.686.**

42 [(d)] (f) Shell eggs, if the producer or the seller is licensed as an egg handler.

43 [(e)] (g) Honey, if not combined with other food ingredients.

44 [(f)] (h) Olive oil.

45 [(g)] (i) Products identified by the department by rule.

1 (4) Subsection (1) of this section does not apply to foods that have been commingled.

2 (5) Title to agricultural products sold on consignment remains with the consigning agricultural
 3 producer until the products are sold to consumers. Agricultural products sold on consignment must
 4 be clearly and conspicuously labeled with the name and business address of the consigning agricul-
 5 tural producer.

6 **(6) Subsection (1) of this section applies to Internet sales of agricultural products de-**
 7 **scribed in subsection (2) of this section by a farm direct marketer, as long as the Internet**
 8 **sales:**

9 **(a) Are to persons within this state; or**

10 **(b) Comply with any applicable federal requirements concerning interstate sales of agri-**
 11 **cultural products.**

12 **(7) A farm direct marketer may contract with a third party for delivery, marketing or**
 13 **other facilitation of sales of agricultural products described in subsection (2) of this section,**
 14 **subject to the provisions of this section and any rules adopted under ORS 616.686.**

15 [(6)(a)] **(8)(a)** In addition to any other required labeling, agricultural products described in sub-
 16 sections [(2)(e) to (j)] **(2)(d) and (f) to (k)** or [(3)(d) to (f)] **(3)(e) to (h)** of this section shall bear on
 17 the label a statement informing consumers that the product is not prepared in an inspected food
 18 establishment. Except as provided in paragraph (b) of this subsection, the required wording for the
 19 label statement is: “This product is homemade and is not prepared in an inspected food establish-
 20 ment.”

21 (b) The department may adopt rules specifying alternative wording for the label statement re-
 22 quired under paragraph (a) of this subsection to the extent that the alternative wording is necessary
 23 in order to comply with federal requirements.

24 [(7)] **(9)** The department may require that a farm direct marketer or the space used by the farm
 25 direct marketer be licensed under ORS 616.695 to 616.755, if the farm direct marketer or the person
 26 in control of the space used by the farm direct marketer refuses to comply with a department rule
 27 adopted under ORS 616.686 or 616.700 for keeping the space used by the farm direct marketer in a
 28 clean, healthful and sanitary condition or for ensuring the condition and safety of the food the farm
 29 direct marketer provides to retail purchasers.

30 **SECTION 2. The State Department of Agriculture shall adopt rules to implement the**
 31 **amendments to ORS 616.683 by section 1 of this 2023 Act as soon as practicable after the**
 32 **effective date of this 2023 Act.**

33 **SECTION 3. Section 2 of this 2023 Act is repealed on January 2, 2024.**

34 **SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 35 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**