

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY APRIL 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 224

Introduced by Assembly Member Gordon

February 4, 2013

An act to amend Section 47000 of, and to add Article 6 (commencing with Section 47060) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to agricultural products.

LEGISLATIVE COUNSEL'S DIGEST

AB 224, as amended, Gordon. Agricultural products: direct marketing: community-supported agriculture.

Existing law encourages the Department of Food and Agriculture to assist producers in organizing certified farmers' markets, field retail stands, farm stands, and other forms of direct marketing by providing technical advice on marketing methods and in complying with the ~~regulation~~ *regulations* that ~~affects~~ *affect* direct marketing programs.

This bill would require ~~certified~~ *registered* California direct marketing producers that are a part of community-supported agriculture programs, as defined, to comply with specified requirements, including specifying whether the producer is part of a single-farm community-supported agriculture program or ~~multifarm~~ *a multi-farm* community-supported agriculture program, as those terms are defined, when registering with the department or a county agricultural commissioner as a ~~certified~~ *registered* California direct marketing producer. The bill would impose specified requirements relating to the labeling and maintenance of consumer boxes and containers that are used in community-supported

agriculture programs to deliver farm products, and would require ~~certified~~ *registered* California direct marketing producers to maintain records of the contents and origin of all of the items included in each consumer box or container.

The bill would require a registered California direct marketing producer to pay an annual registration fee of up to \$50, as provided, to be deposited in the Department of Food and Agriculture Fund, which would be used by the department for the administration of the bill's provisions.

~~Under existing law,~~

~~Because a violation of the various provisions of this bill would be regulating direct marketing, including requirements relating to labeling and shipping products and preparing and submitting specified documents, is a crime. Because, this bill would create new crimes, the bill and would therefore impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47000 of the Food and Agricultural Code
- 2 is amended to read:
- 3 47000. The Legislature finds and declares all of the following
- 4 with regard to the direct marketing of agricultural products:
- 5 (a) Direct marketing of agricultural products benefits the
- 6 agricultural community and the consumer by, among other things,
- 7 providing an alternative method for growers to sell their products
- 8 while benefiting the consumer by supplying quality produce at
- 9 reasonable prices.
- 10 (b) Direct marketing is a good public relations tool for the
- 11 agricultural industry that brings the farmer face-to-face with
- 12 consumers.
- 13 (c) The marketing potential of a wide variety of
- 14 California-produced agricultural products should be maximized.

1 (d) Farm stands allow farmers to sell fresh produce and eggs
2 grown on their farm as well as other food products made with
3 ingredients produced on or near the farm, thus enhancing their
4 income and the local economy.

5 (e) The department should maintain a direct marketing program
6 and the industry should continue to encourage the sale of
7 California-grown fresh produce.

8 (f) It is the intent of the state to promote the consumption of
9 California-grown produce and to promote access to
10 California-produced agricultural products. Restaurants and
11 nonprofit organizations can ~~provide assistance~~ *assist* in bringing
12 California-grown products to all Californians.

13 (g) A regulatory scheme should be developed that provides the
14 flexibility that will make direct marketing a viable marketing
15 system.

16 (h) The department should assist producers in organizing
17 certified farmers' markets, field retail stands, farm stands,
18 community-supported agriculture, and other forms of direct
19 marketing by providing technical advice on marketing methods
20 and in complying with the regulations that affect direct marketing
21 programs.

22 (i) The department is encouraged to establish an ad hoc advisory
23 committee to assist the department in establishing regulations
24 affecting direct marketing of products and to advise the secretary
25 in all matters pertaining to direct marketing.

26 SEC. 2. Article 6 (commencing with Section 47060) is added
27 to Chapter 10.5 of Division 17 of the Food and Agricultural Code,
28 to read:

29
30 Article 6. Community-Supported Agriculture

31
32 47060. For purposes of this article, the following definitions
33 apply:

34 (a) "Community-supported agriculture program" or "CSA
35 program" means a program under which a ~~certified~~ *registered*
36 California direct marketing producer, or a group of ~~certified~~
37 *registered* California direct marketing producers, grow food for a
38 group of California consumer shareholders or subscribers who
39 pledge or contract to buy, on a prepayment basis, a portion of the
40 future crop, animal production, or both, of a ~~certified~~ *registered*

1 California direct marketing producer or a group of ~~certified~~
2 *registered* California direct marketing producers.

3 (b) “Single-farm community-supported agriculture program”
4 means a program in which all delivered farm products originate
5 from the farm of one ~~certified~~ *registered* California direct
6 marketing producer.

7 (c) ~~“Multifarm”~~ “*Multi-farm* community-supported agriculture
8 program” means a program in which all delivered farm products
9 originate from one or more farms of a group of ~~certified~~ *registered*
10 California direct marketing producers who declare their association
11 as a group at the time of their annual certification.

12 (d) “Farm” means a farm operated by a ~~certified~~ *registered*
13 California direct marketing producer or a group of ~~certified~~
14 *registered* California direct marketing producers.

15 47061. (a) A ~~certified~~ *registered* California direct marketing
16 producer that markets whole produce, shell eggs, or processed
17 foods through a single-farm community-supported agriculture
18 program or ~~multifarm~~ *multi-farm* community-supported agriculture
19 program shall comply with all of the following:

20 (1) Register annually with the department or a county
21 agricultural commissioner as a ~~certified~~ *registered* California direct
22 marketing producer, which shall include the following:

23 (A) ~~Specifying~~ *A statement specifying* whether the producer is
24 part of a single-farm community supported agriculture program
25 or ~~multifarm~~ *multi-farm* community-supported agriculture
26 program.

27 (B) ~~Certification~~ *A signed statement that the producer shall*
28 ~~comply~~ *is in compliance with any applicable* on-farm food safety
29 good agricultural practices, as defined by the department, in
30 cooperation with the direct marketing producer industry.

31 (2) Label the consumer box or container used to deliver farm
32 products to the consumer with the name and address of the farm
33 delivering the box or container.

34 (3) Maintain the consumer boxes or containers in a condition
35 that prevents contamination.

36 (4) Inform consumers, either by including a printed list in the
37 consumer box or container or by delivering a list electronically to
38 the consumer, of the farm of origin of each item in the consumer
39 box or container.

1 (5) Maintain records that document the contents and origin of
2 all of the items included in each consumer box or container.

3 (6) Comply with all labeling and identification requirements
4 for shell eggs and processed foods imposed pursuant to the
5 provisions of the Health and Safety Code, including, but not limited
6 to, the farm's name, physical address, and telephone number.

7 (b) ~~A certified~~ *registered* California direct marketing producer
8 that complies with the registration ~~and certification~~ requirements
9 pursuant to paragraph (1) of subdivision (a) shall be deemed an
10 approved source, as defined in Section 113735 of the Health and
11 Safety Code.

12 (c) Nothing in this section shall be construed to remove the
13 responsibility of a community-supported agriculture program from
14 obtaining all required permits and licenses, including, but not
15 limited to, a produce handler license or a cottage food permit.

16 *47062. (a) The annual registration fee for a registered*
17 *California direct marketing producer shall be set by regulation*
18 *enacted by the secretary that is reflective of the actual cost of the*
19 *processing of registration and any enforcement needs, but in no*
20 *event shall exceed fifty dollars (\$50) annually.*

21 *(b) Fees collected pursuant to this article shall be deposited in*
22 *the Department of Food and Agriculture Fund and shall be used*
23 *by the department for the administration of this article.*
24 *Administration of this article shall include all of the following:*

25 *(1) Creating and maintaining an online process and producer*
26 *data filing system for registration.*

27 *(2) Reimbursement for expenses incurred by county agricultural*
28 *commissioners for implementing or aiding in the registration*
29 *process.*

30 *(3) Coordination expenses incurred relative to meetings and*
31 *actions of any ad hoc direct marketing advisory committee*
32 *established by the secretary.*

33 *(c) All or a portion of the annual fee shall be waived when*
34 *registration for California direct marketing producers is combined*
35 *with other annual registration or certification processes under the*
36 *purview of this division where a fee is exacted from the California*
37 *direct marketing producer for registration or processing.*

38 *(d) The provisions of this article shall be complied with*
39 *regardless of any waiver of fees granted.*

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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