

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 431

BY HART

AN ACT

1 RELATING TO AGRICULTURE; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A  
2 NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO  
3 PROVIDE FOR THE IDAHO FARM FREEDOM ACT, TO DEFINE TERMS, TO PROVIDE FOR  
4 THE PURPOSE OF THE ACT, TO PROVIDE FOR EXEMPTION FROM LICENSING REQUIRE-  
5 MENTS FOR CERTAIN SMALL FARM PRODUCERS AND PROCESSORS, TO PROVIDE EX-  
6 EMPTION FROM CERTAIN LICENSING, CERTIFICATION AND INSPECTION, TO PRO-  
7 VIDE FOR PRODUCT TRANSACTIONS, TO PROVIDE THAT CERTAIN FOOD SHALL NOT BE  
8 SOLD OR USED IN COMMERCIAL FOOD ESTABLISHMENTS UNLESS THE FOOD HAS BEEN  
9 LICENSED, REGULATED AND INSPECTED, TO PROVIDE REQUIREMENTS FOR PROD-  
10 UCTS SOLD AT FARMERS' MARKETS, TO PROVIDE THAT PROVISIONS SHALL NOT BE  
11 CONSTRUED TO IMPEDE INVESTIGATIONS OF OUTBREAKS OF FOOD BORNE ILLNESSES  
12 BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO PROVIDE THAT PROVISIONS  
13 SHALL NOT BE CONSTRUED TO CHANGE REQUIREMENTS ASSOCIATED WITH BRAND IN-  
14 SPECTIONS AND ANIMAL HEALTH INSPECTIONS.  
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended  
18 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
19 ter 13, Title 22, Idaho Code, and to read as follows:

20 CHAPTER 13

21 IDAHO FARM FREEDOM ACT

22 22-1301. LEGISLATIVE INTENT -- IDAHO FARM FREEDOM ACT. (1) The leg-  
23 islature recognizes that in the years preceding 1960, Idaho farmers grew a  
24 large percentage of the food eaten in the state. There has, however, been a  
25 gradual shift away from eating locally grown foods. Today a majority of the  
26 food eaten by Idahoans is not from Idaho. It is prudent to seek a better bal-  
27 ance. The legislature recognizes the importance of the agricultural prod-  
28 ucts that are exported outside of the state, which help the farming community  
29 and support jobs.

30 It is, however, also important to increase the amount of food grown in  
31 Idaho for Idaho consumption. Populations whose diets are high in fruits and  
32 vegetables experience better health, with lower rates of obesity and related  
33 chronic conditions. The ability to grow, sell and easily obtain a consis-  
34 tent, adequate supply of fresh food can increase food security and empower  
35 Idaho families and communities to be more healthy and self-sufficient.

36 The legislature also recognizes that small business is the backbone of  
37 Idaho's economy and Idaho food production can help promote entrepreneurship  
38 and self-sufficiency in Idaho's small towns, revitalizing regional small  
39 farms, creating jobs, business opportunities and the recirculation of capi-  
40 tal within Idaho.

1           Therefore, it is the intent of the legislature to encourage Idaho grown  
2 food production for consumption in the state of Idaho by Idahoans to be used  
3 in their own kitchen pantries and on their own dinner tables.

4           (2) As used in this chapter:

5           (a) "Agent" means a person who conducts commerce on behalf of a producer  
6 or a processor;

7           (b) "Agri-tourism" means a style of vacation that normally takes place  
8 on a farm or ranch and includes any farm or ranch that is open to the pub-  
9 lic at least part of the year. Agri-tourism may include the opportunity  
10 to participate in agricultural tasks, including harvesting fruits and  
11 vegetables, riding horses, tasting honey, learning about wine and shop-  
12 ping in farm or ranch gift shops and farm stands for local and regional  
13 agricultural produce or hand-crafted gifts;

14           (c) "Delivery" means the transfer of a product resulting from a trans-  
15 action between a producer, or by the producer's designated agent, and an  
16 informed end-consumer. The delivery may occur at a farm, ranch, farm-  
17 ers' market, home, office or any location agreed to between the producer  
18 and the informed end-consumer;

19           (d) "Establishment" means and includes any place or any area in which  
20 foods, drugs, devices and cosmetics are displayed for sale, manufac-  
21 tured, processed, packed, held or stored. "Establishment" does not in-  
22 clude any place where homemade food is prepared for a traditional commu-  
23 nity social event or sold under the Idaho farm freedom act;

24           (e) "Home consumption" means consumed within a private home;

25           (f) "Homemade" means food that is prepared in a private home kitchen,  
26 and the food is not licensed, inspected or regulated;

27           (g) "Informed end-consumer" means a person who is the last person to  
28 purchase any product, who does not resell the product and who has been  
29 informed that the product is not licensed, regulated or inspected;

30           (h) "Processor" means any person who processes or prepares products of  
31 the soil, or animals, for food or drink;

32           (i) "Producer" means any person who harvests any product of the soil, or  
33 animals, for food or drink;

34           (j) "Small farm" means any farm that reports less than two hundred fifty  
35 thousand dollars (\$250,000) in gross annual sales, or less than one hun-  
36 dred thousand dollars (\$100,000) gross annual profit on IRS form sched-  
37 ular "F";

38           (k) "Traditional community social event" means an event where people  
39 gather as part of a community for the benefit of those gathering or for  
40 the community including, but not limited to, a:

41           (i) Wedding;

42           (ii) Funeral;

43           (iii) Church or religious social;

44           (iv) School event;

45           (v) Potluck;

46           (vi) Neighborhood gathering;

47           (vii) Ladies' or gentlemen's club; and

48           (viii) Youth club.

49           (l) "Transaction" means the exchange of buying and selling.

1           (2) The purpose of the Idaho farm freedom act is to allow for tradi-  
2 tional community social events involving the sale and consumption of home-  
3 made foods and to encourage the expansion and accessibility of farmers' mar-  
4 kets, roadside stands, ranch, farm and home-based sales, and producer to in-  
5 formed end-consumer agricultural sales, by:

6           (a) Promoting the purchase and consumption of fresh and local agricul-  
7 tural products;

8           (b) Enhancing the agricultural economy;

9           (c) Encouraging agri-tourism opportunities in Idaho;

10           (d) Providing Idaho citizens with unimpeded access to healthy food from  
11 known sources; and

12           (e) Encouraging the expansion and accessibility of farmers' markets,  
13 roadside stands, ranch and farm based sales and direct producer to end-  
14 consumer agricultural sales.

15           (3) Any small farm producer or small farm processor who is selling his  
16 product only at farmers' markets, roadside stands or by ranch, farm and home-  
17 based sales directly to the informed end consumer is exempt from any licens-  
18 ing requirements under Idaho law.

19           (4) Notwithstanding any other provision of law, there shall be no li-  
20 censure, certification or inspection by any Idaho state agency or any agency  
21 of any political subdivision of the state of Idaho provided there is only one  
22 (1) transaction between the small farm producer, the small farm processor  
23 and the small farm producer's agent or the small farm processor's agent and  
24 the informed end-consumer when the food is for home consumption or the food  
25 is prepared for a traditional community social event.

26           (5) Product transactions under this chapter shall:

27           (a) Be directly between the producer and the informed end-consumer;

28           (b) Only be for home consumption;

29           (c) Occur only in Idaho;

30           (d) Not involve interstate commerce; and

31           (e) Not be subject to licensing, regulation or inspection.

32           (6) Except for raw, unprocessed fruit and vegetables, food shall not be  
33 sold or used in any commercial food establishment unless the food has been  
34 licensed, regulated or inspected pursuant to the provisions of Idaho law.

35           (7) Any product sold at a farmers' market shall be labeled and signs  
36 shall be conspicuously posted informing consumers that the product is not  
37 licensed, regulated or inspected.

38           (8) Nothing in this chapter shall be construed to impede the Idaho de-  
39 partment of health and welfare in any investigation of an outbreak of food  
40 borne illness.

41           (9) Nothing in this chapter shall be construed to change the require-  
42 ments for brand inspection or animal health inspections.