



Support HB1652 / SB617 Provide Clarity for Farmers' Market Vendors

Last session, the Texas Legislature passed two bills (SB 932 and HB 1694) to support farmers and small-scale food producers who sell their products at farmers' markets. SB 932 capped the amount of fees that local health departments could charge farmers' market vendors at \$100 per year, the same amount as charged by the Texas Department of State Health Services (DSHS). HB 1694 allowed farmers' market vendors to provide samples of their food to prospective customers at the market without a permit or extra fees, subject to specific sanitary requirements. The two bills were approved unanimously by the Senate and with only a handful of dissenting votes in the House.

This session's bill makes no changes to the substantive provisions of the law. It just clarifies the language to ensure that the law is properly applied.

Last session's bills referred to any "person" (HB 1694) or "individual" (SB 932) who provides samples or sells food at a farmers' market. Despite the clear intentions of both bills, a few local jurisdictions have limited their applicability only to farmers and excluding all other people selling food at farmers' markets. For example, the Harris County Health Department is continuing to charge as much as \$2,080 annually for food producers at farmers' markets in its jurisdiction and imposing a \$330 sampling permit fee.

The noncomplying local departments' claimed justification is that a subject header in the bills referred to "producers," and DSHS's 2013 definition of "producer" is unduly narrow, essentially limiting the term to just farmers. But the subject header and an old agency definition should not trump the language and clear intention of the 2019 bills.

This session's HB 1652 / SB 617 address the problem by making the terms consistent and providing a legislative definition of "producer," namely a person who grew, raised, processed, prepared, manufactured, or otherwise added value to the food product the person is selling. The bill also clarifies that farmers' markets must have a majority of vendors who are farmers or food producers selling food directly to consumers. Last, the bill would recompense farmers' market vendors for their expense in bringing suit to enforce the law if necessary.

Again, HB 1652 / SB 617 by Representative Wilson and Senator Kolthorst makes no substantive change to the current law, but merely brings clarity to the policies already adopted by the Legislature in 2019.

HB 1652/ SB 617 is supported by the Farm and Ranch Freedom Alliance, Texas Organic Farmers and Gardeners Association, GROW North Texas, Grow Local South Texas, Food Policy Council of San Antonio, New Farm Institute, and the Central Texas Young Farmers Coalition.

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