

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
DIVISION OF MARKETING

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-7-1-.02 Definitions

Intended Action: To Amend

Substance of Proposed Action: To clarify rules related to certified state farmers markets.

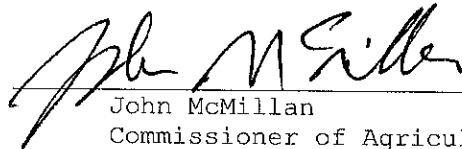
Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date Tuesday, May 10, 2016, at 10:00 A.M., in the auditorium of the Alabama Department of Agriculture and Industries, Richard Beard Building, 1445 Federal Drive, Montgomery, AL 36107.

Final Date for Comment and Completion of Notice: May 10, 2016.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

2-18-16

Date



John McMillan
Commissioner of Agriculture
And Industries

Definitions.

(1) As used in this Chapter, the following words shall have the meaning stated below:

- (a) Agricultural Production and Practice of the Agricultural Arts -- To be involved in and make decisions regarding all phases of producing an agricultural product, which includes, but is not limited to, planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting.
- (b) Alcoholic Beverages - AL code §28-3-1 Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer and wine.
- ~~(b)~~ (c) Authority - "Authority" refers to the "Farmers Market Authority" as provided in Alabama Code § 2-5A-1, et seq.
- ~~(c)~~ (d) Certified Farmers Market - A market certified by the Authority where agricultural products are sold by producers directly to consumers. The Authority shall issue a certificate to all farmers markets that apply for a certificate, and meet the criteria set forth by the Authority. A Certified Farmers Market may be operated by two or more producers, by a nonprofit organization, by a local government entity or other organization/entity approved by the Authority.
- ~~(d)~~ (e) Certified Agricultural Products -- Agricultural products, which are certified under the jurisdiction of the Authority relative to inspection and verification of compliance with the provisions of this Chapter, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, nursery stock, livestock products, fish and shellfish produced under

controlled conditions in waters or ponds located in Alabama.

- ~~(e)~~ (f) Certified Farmers Market Certificate - A certificate issued by the Authority verifying the market sells only agricultural products produced by local farmers directly to consumers. The certificate is valid only when bearing the original signatures of the Authority and the authorized representative of the Certified Farmers Market.
- ~~(f)~~ (g) Commissioner - The person elected as the head of the Department of Agriculture and Industries.
- (h) Consumer -- A person who purchases and receives agricultural products at a Certified Farmers Market.
- (i) Director - A person appointed by the Commissioner who, under supervision of the Commissioner, serves as director of the Farmers Market Authority and administers this Chapter.
- (j) Employee -- Any person employed by a farmer at a regular salary or wage, on either a full or part time basis. It does not include any person who is reselling or whose compensation is primarily based on a commission of sales. Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of Alabama may sell the agricultural products of one of its members in accordance with the provisions of this Chapter.
- (k) Enforcement Officer - An agent of the Department of Agriculture and Industries authorized to investigate the entities certified under these rules and regulations in order to ensure compliance with these rules and regulations.
- (l) Grower representative - The immediate family member or employee of a farmer.
- (m) Immediate Family -- Parents, children, grandparents, or grandchildren of the farmer or a family member regularly residing in the farmer's household.

- (n) Land Which the Farmer Controls -- Land that the farmer farms and owns, rents, leases, or sharecrops, and is registered with the Authority and the Alabama Cooperative Extension System or the USDA Farm Service Agency.
- (o) Locally grown - Agricultural products grown within the borders of Alabama or within twenty-five (25) miles of the Alabama state border.
- (p) Market Manager -- A person or persons registered with the Authority empowered to implement the rules, regulations, policies, and directives of the governing body of a Certified Farmers Market.
- (q) Market Rules -- A set of written rules or regulations approved by each Certified Farmers Market and the Authority. The rules and regulations may be more stringent than established state regulations, provided they do not violate or conflict with any state law or regulation governing their activities.
- (r) Non-certifiable Agricultural Products - Non-certifiable agricultural products include all certified agricultural products that have been processed.
- (s) Nonprofit Organization -- An organization which qualifies for nonprofit status for Alabama income tax purposes.
- (t) Relish -- a cooked, uncooked or pickled sauce usually made with vegetables or fruits and often used as a condiment; can be smooth or chunky, sweet or savory and hot or mild, and must have an acidity level less than 4.6pH.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq.

History: **New Rule:** Filed February 12, 2014; effective March 19, 2014. **Amended:**