AN ACT
To amend chapters 144 and 208, RSMo, by adding thereto three new sections relating to farmers’ markets.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 144 and 208, RSMo, are amended by adding thereto three new sections, to be known as sections 144.527, 208.018, and 208.247, to read as follows:

144.527. 1. In addition to the exemptions granted under this chapter, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, and section 238.235 all sales of farm products sold at a farmers' market.

2. For purposes of this section "farm products" shall mean any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese, and other dairy products, food products of "aquaculture", as defined in section 277.024, including fish, oysters, clams, mussels, and other molluscan shellfish taken from the waters of the state, products from any tree, vine, or plant and other flowers, or any of the products listed in this subsection that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

3. For purposes of this section "farmers' market" shall mean an individual farmer or a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for an individual farmer or a group of farmers to sell farm products directly
to consumers, and where the products sold are produced by the
participating farmers with the sole intent and purpose of generating a
portion of household income.

4. The provisions of this section do not apply to any person or
entity with estimated total annual sales of twenty-five thousand dollars
or more from participating in farmers’ markets.

208.018. 1. Subject to federal approval, the department of social
services shall establish a pilot program for the purpose of providing
Supplemental Nutrition Assistance Program (SNAP) participants with
access and the ability to afford fresh food when purchasing fresh food
at farmers' markets. The pilot program shall be established in at least
one rural area and one urban area. Under the pilot program, such
participants shall be able to:

(1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and
honey with SNAP benefits with an electronic benefit transfer (EBT)
card; and

(2) Receive a dollar-for-dollar match for every SNAP dollar spent
at a participating farmers' market or vending urban agricultural zone
as defined in section 262.900 in an amount up to ten dollars per week
whenever the participant purchases fresh food with an EBT card.

2. For purposes of this section, the term “farmers’ market” shall
mean a market with multiple stalls at which farmer-producers sell
agricultural products, particularly fresh fruit and vegetables, directly
to the general public at a central or fixed location.

3. Purchases of approved fresh food by SNAP participants under
this section shall automatically trigger matching funds reimbursement
into the central farmers' market vendor accounts by the department.

4. The funding of this pilot program shall be subject to
appropriation. In addition to appropriations from the general
assembly, the department may apply for available grants and shall be
able to accept other gifts, grants, and donations to develop and
maintain the program.

5. The department shall promulgate rules setting forth the
procedures and methods of implementing this section. Any rule or
portion of a rule, as that term is defined in section 536.010, that is
created under the authority delegated in this section shall become
effective only if it complies with and is subject to all of the provisions
of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

6. Pursuant to section 23.253 of the Missouri sunset act:
   (1) The provisions of this section shall sunset automatically six years after the effective date of this section unless reauthorized by an act of the general assembly; and
   (2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and
   (3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

208.247. 1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an individual who has pled guilty or nolo contendre to or is found guilty under federal or state law of a felony involving possession or use of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:
   (1) Meets one of the following criteria:
      (a) Is currently successfully participating in a substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health; or
      (b) Is currently accepted for treatment in and participating in a substance abuse treatment program approved by the division of alcohol and drug abuse, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity; or
      (c) Has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse; or
      (d) Is determined by a division of alcohol and drug abuse certified treatment provider not to need substance abuse treatment;
and

(2) Is successfully complying with, or has already complied with, all obligations imposed by the court, the division of alcohol and drug abuse, and the division of probation and parole; and

(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense after release from custody or, if not committed to custody, such person does not plead guilty or nolo contendere to or is not found guilty of an additional controlled substance misdemeanor or felony offense, within one year after the date of conviction. Such a plea or conviction within the first year after conviction shall immediately disqualify the person for the exemption; and

(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the participant.

2. Eligibility based upon the factors in subsection 1 of this section shall be based upon documentary or other evidence satisfactory to the department of social services, and the applicant shall meet all other factors for program eligibility.

3. The department of social services, in consultation with the division of alcohol and drug abuse, shall promulgate rules to carry out the provisions of this section including specifying criteria for determining active participation in and completion of a substance abuse treatment program.

4. The exemption under this section shall not apply to an individual who has pled guilty to or is found guilty of two subsequent felony offenses involving possession or use of a controlled substance after the date of the first controlled substance felony conviction.