

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 727

97TH GENERAL ASSEMBLY

2014

5396H.02T

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
2 three new sections, to be known as sections 144.527, 208.018, and 208.247, to
3 read as follows:

144.527. 1. In addition to the exemptions granted under this
2 chapter, there shall also be specifically exempted from state and local
3 sales and use taxes defined, levied, or calculated under section 32.085,
4 sections 144.010 to 144.525, sections 144.600 to 144.761, and section
5 238.235 all sales of farm products sold at a farmers' market.

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

17 3. For purposes of this section "farmers' market" shall mean an
18 individual farmer or a cooperative or nonprofit enterprise or
19 association that consistently occupies a given site throughout the
20 season, which operates principally as a common marketplace for an
21 individual farmer or a group of farmers to sell farm products directly

22 to consumers, and where the products sold are produced by the
23 participating farmers with the sole intent and purpose of generating a
24 portion of household income.

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

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

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

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

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

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

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

27 5. The department shall promulgate rules setting forth the
28 procedures and methods of implementing this section. Any rule or
29 portion of a rule, as that term is defined in section 536.010, that is
30 created under the authority delegated in this section shall become
31 effective only if it complies with and is subject to all of the provisions

32 of chapter 536 and, if applicable, section 536.028. This section and
33 chapter 536 are nonseverable and if any of the powers vested with the
34 general assembly pursuant to chapter 536 to review, to delay the
35 effective date, or to disapprove and annul a rule are subsequently held
36 unconstitutional, then the grant of rulemaking authority and any rule
37 proposed or adopted after August 28, 2014, shall be invalid and void.

38 6. Pursuant to section 23.253 of the Missouri sunset act:

39 (1) The provisions of this section shall sunset automatically six
40 years after the effective date of this section unless reauthorized by an
41 act of the general assembly; and

42 (2) If such program is reauthorized, the program authorized
43 under this section shall sunset automatically twelve years after the
44 effective date of the reauthorization of this section; and

45 (3) This section shall terminate on September first of the
46 calendar year immediately following the calendar year in which the
47 program authorized under this section is sunset.

208.247. 1. Pursuant to the option granted the state by 21 U.S.C.
2 Section 862a(d), an individual who has pled guilty or nolo contendere to
3 or is found guilty under federal or state law of a felony involving
4 possession or use of a controlled substance shall be exempt from the
5 prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for
6 food stamp program benefits for such convictions, if such person, as
7 determined by the department:

8 (1) Meets one of the following criteria:

9 (a) Is currently successfully participating in a substance abuse
10 treatment program approved by the division of alcohol and drug abuse
11 within the department of mental health; or

12 (b) Is currently accepted for treatment in and participating in a
13 substance abuse treatment program approved by the division of alcohol
14 and drug abuse, but is subject to a waiting list to receive available
15 treatment, and the individual remains enrolled in the treatment
16 program and enters the treatment program at the first available
17 opportunity; or

18 (c) Has satisfactorily completed a substance abuse treatment
19 program approved by the division of alcohol and drug abuse; or

20 (d) Is determined by a division of alcohol and drug abuse
21 certified treatment provider not to need substance abuse treatment;

22 and

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

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

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

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

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

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

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