

7 USC Ch. 63: FARMER-TO-CONSUMER DIRECT MARKETING

From Title 7—AGRICULTURE

CHAPTER 63—FARMER-TO-CONSUMER DIRECT MARKETING

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§3001. Congressional statement of purpose

It is the purpose of this chapter to promote, through appropriate means and on an economically sustainable basis, the development and expansion of direct marketing of agricultural commodities from farmers to consumers. To accomplish this objective, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall initiate and coordinate a program designed to facilitate direct marketing from farmers to consumers for the mutual benefit of consumers and farmers.

(Pub. L. 94–463, §2, Oct. 8, 1976, 90 Stat. 1982.)

SHORT TITLE

Pub. L. 94–463, §1, Oct. 8, 1976, 90 Stat. 1982, provided: "That this Act [enacting this chapter and provisions set out as a note under section 5145 of Title 42, The Public Health and Welfare] may be cited as the 'Farmer-to-Consumer Direct Marketing Act of 1976'."

§3002. Definitions

For purposes of this chapter, the term "direct marketing from farmers to consumers" shall mean the marketing of agricultural commodities at any marketplace (including, but not limited to, roadside stands, city markets, and vehicles used for house-to-house marketing of agricultural commodities) established and maintained for the purpose of enabling farmers to sell (either individually or through a farmers' organization directly representing the farmers who produced the commodities being sold) their agricultural commodities directly to individual consumers, or organizations representing consumers, in a manner calculated to lower the cost and increase the quality of food to such consumers while providing increased financial returns to the farmers.

(Pub. L. 94–463, §3, Oct. 8, 1976, 90 Stat. 1982.)

§3003. Survey

(a) In general

The Secretary shall provide, through the Economic Research Service of the United States Department of Agriculture, or whatever agency or agencies the Secretary considers appropriate, an annual survey of existing methods of direct marketing from farmers to consumers in each State.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 94–463, §4, Oct. 8, 1976, 90 Stat. 1982; Pub. L. 107–171, title X, §10605(b)(1), May 13, 2002, 116 Stat. 513; Pub. L. 115–334, title X, §10102(c)(5)(A), Dec. 20, 2018, 132 Stat. 4898.)

AMENDMENTS

2018—Pub. L. 115–334 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

2002—Pub. L. 107–171 substituted "an annual survey" for "a continuing survey" and struck out at end "The initial survey, which shall be completed no later than one year following October 8, 1976, shall

include the number of types of such marketing methods in existence, the volume of business conducted through each such marketing method, and the impact of such marketing methods upon financial returns to farmers (including their impact upon improving the economic viability of small farmers) and food quality and costs to consumers."

§3004. Direct marketing assistance within the States

(a) In general

In order to promote the establishment and operation of direct marketing from farmers to consumers, the Secretary shall provide that funds appropriated to carry out this section be utilized by State departments of agriculture and the Secretary for the purpose of conducting or facilitating activities which will initiate, encourage, develop, or coordinate methods of direct marketing from farmers to consumers within or among the States. Such funds shall be allocated to a State on the basis of the feasibility of direct marketing from farmers to consumers within that State as compared to other States and shall be allocated within a State to the State department of agriculture and to the Secretary on the basis of the types of activities which are needed in the State, as determined by the Secretary. The activities shall include, but shall not be limited to—

- (1) sponsoring conferences which are designed to facilitate the sharing of information (among farm producers, consumers, and other interested persons or groups) concerning the establishment and operation of direct marketing from farmers to consumers;
- (2) compiling laws and regulations relevant to the conduct of the various methods of such direct marketing within the State, formulating drafts of enabling legislation needed to facilitate such direct marketing, determining feasible locations for additional facilities for such direct marketing, and preparing and disseminating practical information on the establishment and operation of such direct marketing; and
- (3) providing technical assistance for the purpose of aiding interested individuals or groups in the establishment of arrangements for direct marketing from farmers to consumers.

(b) Development of farmers' markets

The Secretary shall—

- (1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers' markets;
- (2) develop opportunities to share information among managers of farmers' markets;
- (3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and
- (4) work with producers to develop farmers' markets.

(c) Consideration of consumer preferences

In the implementation of this section, the Secretary shall take into account consumer preferences and needs which may bear upon the establishment and operation of arrangements for direct marketing from farmers to consumers.

(Pub. L. 94-463, §5, Oct. 8, 1976, 90 Stat. 1982; Pub. L. 107-171, title X, §10605(b)(2), May 13, 2002, 116 Stat. 513.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-171, §10605(b)(2)(A), substituted "Secretary for the purpose" for "Extension Service of the United States Department of Agriculture for the purpose", "Secretary on the basis" for "Extension Service on the basis", and ", as determined by the Secretary" for "and on the basis of which of these two agencies, or combination thereof, can best perform these activities".

Subsecs. (b), (c). Pub. L. 107-171, §10605(b)(2)(B), (C), added subsec. (b) and redesignated former subsec. (b) as (c).

§§3005, 3006. Repealed. Pub. L. 115-334, title X, §10102(c)(5)(B), Dec. 20, 2018, 132 Stat. 4898

Section 3005, Pub. L. 94-463, §6, as added Pub. L. 107-171, title X, §10605(a), May 13, 2002, 116 Stat. 513; amended Pub. L. 110-234, title X, §10106, May 22, 2008, 122 Stat. 1337; Pub. L. 110-246, §4(a), title X, §10106, June 18, 2008, 122 Stat. 1664, 2098; Pub. L. 112-240, title VII, §701(g)(1), Jan. 2, 2013, 126 Stat. 2366; Pub. L. 113-79, title X, §10003, Feb. 7, 2014, 128 Stat. 940, established the Farmers' Market and Local Food Promotion Program.

A prior section 3005, Pub. L. 94-463, §6, Oct. 8, 1976, 90 Stat. 1983; Pub. L. 103-437, §4(a)(8), Nov. 2, 1994, 108 Stat. 4582, related to review of activities by Secretary and annual report to Congress, prior to repeal by Pub. L. 105-362, title I, §101(d)(1), Nov. 10, 1998, 112 Stat. 3281.

Section 3006, Pub. L. 94-463, §7, Oct. 8, 1976, 90 Stat. 1983; Pub. L. 105-362, title I, §101(d)(2), Nov. 10, 1998, 112 Stat. 3281, related to authorization of appropriations.

§3007. Seniors farmers' market nutrition program

(a) Funding

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program \$20,600,000 for each of fiscal years 2008 through 2023.

(b) Program purposes

The purposes of the seniors farmers' market nutrition program are—

(1) to provide resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, honey, and herbs from farmers' markets, roadside stands, and community supported agriculture programs to low-income seniors;

(2) to increase the domestic consumption of agricultural commodities by expanding or aiding in the expansion of domestic farmers' markets, roadside stands, and community supported agriculture programs; and

(3) to develop or aid in the development of new and additional farmers' markets, roadside stands, and community supported agriculture programs.

(c) Exclusion of benefits in determining eligibility for other programs

The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.

(d) Prohibition on collection of sales tax

Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers' market nutrition program.

(e) Regulations

The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers' market nutrition program.

(f) Federal law not applicable

Section 1693o–2 of title 15 shall not apply to electronic benefit transfer systems established under this section.

(Pub. L. 107–171, title IV, §4402, May 13, 2002, 116 Stat. 334; Pub. L. 110–234, title IV, §§4231, 4406(c)(1), May 22, 2008, 122 Stat. 1124, 1142; Pub. L. 110–246, §4(a), title IV, §§4231, 4406(c)(1), June 18, 2008, 122 Stat. 1664, 1886, 1903; Pub. L. 111–203, title X, §1075(c), July 21, 2010, 124 Stat. 2074; Pub. L. 113–79, title IV, §4203(a), Feb. 7, 2014, 128 Stat. 822; Pub. L. 115–334, title IV, §4201, Dec. 20, 2018, 132 Stat. 4655.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Food Stamp Reauthorization Act of 2002 and also as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Farmer-to-Consumer Direct Marketing Act of 1976 which comprises this chapter.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334 substituted "2023" for "2018".

2014—Subsec. (a). Pub. L. 113–79 substituted "2018" for "2012".

2010—Subsec. (f). Pub. L. 111–203 added subsec. (f).

2008—Subsec. (a). Pub. L. 110–246, §4406(c)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: "The Secretary of Agriculture shall use \$5,000,000 for fiscal year 2002, and \$15,000,000 for each of fiscal years 2003 through 2007, of the funds available to the Commodity Credit Corporation to carry out and expand a seniors farmers' market nutrition program."

Subsec. (b)(1). Pub. L. 110–246, §4231(1), inserted "honey," after "vegetables,".

Subsec. (c). Pub. L. 110–246, §4231(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: "The Secretary may issue such regulations as the Secretary considers necessary to carry out the seniors farmers' market nutrition program."

Subsecs. (d), (e). Pub. L. 110–246, §4231(3), added subsecs. (d) and (e).

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–79, title IV, §4203(b), Feb. 7, 2014, 128 Stat. 822, provided that: "The amendment made by subsection (a) [amending this section] takes effect on October 1, 2013."

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111–203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by sections 4231 and 4406(c)(1) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107–171, set out as a note under section 1161 of Title 2, The Congress.