

Frequently Asked Questions

Assembly Bill 1871

Q: When do the changes take effect?

A: The bill's provisions become effective January 1, 2015

Q: Is the producer fee being raised from .60 cents to \$2.00?

A: The fee paid to the California Department of Food and Agriculture by the market operator will increase to \$2.00 per every vendor under market control. This includes food, crafts, and other types of wares or services.

Q: What kind of signage will producers need to post?

A: Producers will be required to post a conspicuous sign that contains the farm or ranch name, the county of production, and a statement that they only sell what they grow or similar representation. They will still be required to post their certified producer's certificate.

Q: Can produce not grown in California, such as bananas or papayas, still be sold in the community events section?

A: No, the new law states no fresh fruits, nuts, vegetables, or flowers may be sold in an area adjacent to the certified farmers' market (CFM). The law does not exempt produce or flowers based on their origin.

Q: Mushrooms are not technically a fruit or vegetable. Are they approved for sale in the area adjacent to the CFM?

A: Yes. Mushrooms and fresh herbs may be sold in the area adjacent to the CFM.

Q: What does the new definition of "Agricultural Products" mean?

A: It clarifies what may or may not be sold in the area designated as a CFM. Products such as soaps, candles, crafts and others are now defined as non-

agricultural and may not be sold in the area designated as a CFM. Nonagricultural products may still be allowed to be sold in the community event section.

Q: Can the markets now directly pay the Agricultural Commissioners to perform investigations?

A: Yes, markets that have reasonable suspicion of producer misrepresentation may directly contract with county agriculture commissioners provided the county allows such contractual arrangements.

Q: Can nursery stock still be sold in the CFM?

A: Yes, but there is a new definition of “practicing the agricultural arts” that states the producers must encompass the various phases of producing the agricultural product. This would eliminate individuals that purchase a plant, water it once and declare that they have practiced the agricultural arts in order to get that product certified.

Q: Are there any changes to the quarterly report?

A: Yes, markets will now be required to report every producer’s attendance for each market event.

Q: Is it true that certification costs will rise?

A: The county agricultural commissioner is now allowed full cost recovery, but they are required to provide a cost estimate prior to certification.

Q: Can producers still be suspended and/or fined?

A: Yes, anyone caught misrepresenting the area of production, the producer’s identity, or the methodology of production is subject to a fine of up to \$5,000.00 and an 18 month suspension.