

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 40. MARKET DEVELOPMENT

SUBCHAPTER 17. AGRITOURISM

35:40-17-2. Definitions [~~RESERVED~~]

"Agritourism" means the organization and operation of agricultural activities carried out on a farm or ranch that allow members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including, but not limited to, farming, ranching, horseback riding, horse-drawn carriage rides, livestock and poultry shows, petting farms, rodeos, historic, cultural, harvest-your-own activities, or natural activities and attractions.

"Agritourism designated area" means a specific location or facility within a farm, ranch, brewery, or winery where an agritourism activity takes place and shall not include any area adjacent to or nearby the specific location or facility, even if the area is owned or operated by the agritourism professional.

"Agritourism professional" means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation and whose agritourism activity is registered with the Oklahoma Department of Agriculture, Food, and Forestry.

35:40-17-3. Eligibility and registration

(a) Agritourism ~~activities~~ designated areas that are eligible for registration with the Department shall allow members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities that include farming, ranching, historic, cultural, harvest-your-own, or natural activities and attractions.

(b) An ~~activity~~ agritourism designated area may be an eligible ~~agritourism activity~~ for registration regardless of whether the participant is required to pay to participate in the activity.

(c) An agritourism ~~activity~~ designated area shall be evaluated by the Department prior to registration.

(d) When evaluating an agritourism ~~activity~~ designated area and determining whether registration may be permitted, the Department may consider a variety of factors, including but not limited to:

(1) Whether the agritourism professional or ~~facility hosting the agritourism activity~~ designated area complies with federal, state, and local regulations for health, safety, sanitation, and zoning.

(2) Whether the agritourism professional or ~~facility hosting the agritourism activity~~ designated area carries liability insurance.

(3) Whether the agritourism professional or ~~facility hosting the agritourism activity~~ designated area has complied with the requirements of the Oklahoma Tax Commission.

(e) Each ~~facility hosting an eligible~~ agritourism activity designated area shall be open to the public seasonally and specify and post regular business hours and adhere to the same.

(f) Each ~~facility hosting an eligible~~ agritourism activity designated area shall be maintained and in good repair.

(g) The Department may refuse to register or revoke the registration of an agritourism ~~activity~~ designated area for failure to meet the ~~standards~~ requirements of the Agritourism Program.

(h) If the Department finds that a proposed agritourism activity designated area is not eligible for registration, the Department may provide the agritourism professional or agritourism designated area with a written explanation of its denial and what improvements, if any, would permit registration as an agritourism activity designated area.

35:40-17-4. Additional requirements for hunting facilities

In addition to the other eligibility requirements of this subchapter, hunting facilities shall include lodging and at least one meal per day provided or furnished on site to be registered as an agritourism activity:

- (1) Lodging; and
- (2) A guide service or information on self-guided hunts that includes property details, owner expectations, safety guidelines, and eligible harvests.

35:40-17-6. Additional requirements for winery and brewery facilities

In addition to the other eligibility requirements of this subchapter, wineries and breweries shall comply with Alcoholic Beverage Laws Enforcement Commission registration requirements, liquor license requirements, and have a tasting room or taproom for visitors to be registered as an agritourism activity designated area. Breweries shall produce products for consumption at the site of the agritourism designated area.

35:40-17-7. Additional requirements for petting farm facilities

In addition to the other eligibility requirements of this subchapter, petting farm facilities shall:

- (1) Include livestock, as defined by USDA, or animals traditionally used for agricultural purposes as more than fifty (50) percent of the animals provided for petting activities;
- (2) Provide or post educational information about each animal at the facility; and
- (3) Take the following steps to prevent disease transmission to visitors:
 - (A) Ensure proper care and management of animals,
 - (B) Provide access to hand-washing stations,
 - (C) Design transition areas between animal and non-animal areas,
 - (E) Prohibit food and drink in animal areas, and
 - (F) Provide educational material or signage to the public about disease prevention procedures.

35:40-17-8. Additional requirements for pumpkin picking facilities

In addition to the other eligibility requirements of this subchapter, pumpkin picking facilities shall:

- (1) Provide or post educational information about pumpkins at the facility; and
- (2) Be located on an agritourism professional's privately owned or operated farm or property.

35:40-17-9. Additional requirements for maze facilities

In addition to the other eligibility requirements of this subchapter, maze facilities shall:

- (1) Be constructed with traditional agricultural materials;
- (2) Provide or post educational information about the agricultural materials used to construct the facility; and

(3) Be located on an agritourism professional's privately owned or operated farm or property.

35:40-17-10. Additional requirements for Christmas tree facilities

In addition to the other eligibility requirements of this subchapter, Christmas tree facilities shall:

1. Grow Christmas trees on site for consumer harvest; and
2. Be located on an agritourism professional's privately owned or operated farm or property.

35:40-17-11. Additional requirements for bison facilities

In addition to the other eligibility requirements of this subchapter, bison facilities shall provide or post educational information about bison at the facility.

SUBCHAPTER 21. OKLAHOMA HEALTHY FOOD FINANCING PROGRAM

35:40-21-3. Applicant eligibility

(a) Applicants eligible for financing shall include, but are not limited to, sole proprietorships, partnerships, limited liability companies, corporations, cooperatives, nonprofit organizations, nonprofit community development entities, universities, and government entities. All applicants shall be residents of or entities formed within the State of Oklahoma.

(b) Eligibility may be given to those applicants who:

- (1) Demonstrate the capacity to successfully implement the project;
- (2) Demonstrate the project is expected to be economically self-sustaining;
- (3) Demonstrate the ability to repay the debt; and
- (4) Agree, for a minimum of five (5) years, to comply with the following conditions:
 - (A) To accept the benefits of the United States Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) or other federal or state nutrition assistance programs;
 - (B) To apply for the United States Department of Agriculture's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) or other federal or state nutrition assistance programs, and to accept the benefits, if approved;
 - (C) To allocate at least thirty percent (30%) of food retail space for the sale of perishable foods, which shall include fresh dairy, produce, meats, poultry, and fish;
 - (D) To comply with all data collection and reporting requirements established by the Board; and
 - (E) To promote the hiring of local residents.

SUBCHAPTER 23. MADE IN OKLAHOMA

35:40-23-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Applicant**" means a person who is requesting membership into the Made in Oklahoma program.

"**Department**" means the Oklahoma Department of Agriculture, Food, and Forestry, or its designee.

"**Product**" means a product processed or manufactured to add value.

"Service" means a useful task that contributes to the public welfare.

35:40-23-3. Applicant eligibility

(a) Applicants eligible for membership into the Made in Oklahoma program shall grow, process, or manufacture a product or provide a service within the state of Oklahoma.

(b) Eligibility may be given to those applicants who are in compliance with other state and federal agencies.

35:40-23-4. Product eligibility

(a) Products eligible for approval by the Department to use the Made in Oklahoma logo shall:

(1) Be processed or manufactured in an Oklahoma facility;

(2) Meet or exceed all federal and State of Oklahoma standards and regulations;

(3) Include language and imagery appropriate for all consumers; and

~~(3)~~ (4) Include an Oklahoma address on each label.

(b) Products produced, sold, or resold pursuant to the provisions of Section 5-4.1 et seq. of Title 2 of the Oklahoma Statutes shall not be eligible for approval to use the Made in Oklahoma logo.

35:40-23-4.1. Service eligibility

Services eligible for approval by the Department to use the Made in Oklahoma logo shall:

(1) Be provided in Oklahoma;

(2) Meet or exceed all federal and State of Oklahoma standards and regulations;

(3) Be appropriate for all consumers; and

(4) Include an Oklahoma address on all information provided to the consumer.

35:40-23-5. Application

(a) Applications for membership into the Made in Oklahoma program shall be submitted to the Department.

(b) Each applicant shall submit a description of products, packaging, and proposed marketing materials or services. In addition, a label and sample of the product or description and video demonstrating the service shall be provided.

(c) Each applicant shall submit a copy of any required licenses, health certifications or records of inspection by state or federal agencies from the previous year for the facilities and raw materials utilized in the applicant's products or services.

35:40-23-6. Logo

The Made in Oklahoma program logo shall be used only by a member of the Made in Oklahoma program. It shall be used only for promotion of eligible products and services as determined by the Department.

35:40-23-7. Renewal and revocation

- (a) Made in Oklahoma program memberships shall be renewable on an annual basis. Applications for membership renewal shall be due on a date determined by the Department.
- (b) Any person, firm, partnership, corporation, LLC, or other association who violates any provision of this section, gives false information in the application process, misrepresents certifications in the application process, or uses the Made in Oklahoma Program logo on an ineligible product or service shall be subject to immediate suspension or revocation of membership in the program and use of the Made in Oklahoma logo.
- (c) Prior suspension or revocation of a Made in Oklahoma program membership may be cause for denial of a renewal application by the Department.

35:40-23-8. Product endorsement

The Department does not endorse and makes no warranty regarding any product or service determined eligible to use the Made in Oklahoma program logo.