

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0261.03 Kate Meyer

SENATE BILL 11-258

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Vigil and Coram,

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING LOCALLY PRODUCED FOODS, AND, IN CONNECTION
102 THEREWITH, DIRECTING LOCAL BOARDS OF HEALTH TO CREATE
103 REGISTRIES OF GROWERS WHO PRODUCE FOOD PRODUCTS IN
104 THEIR HOME KITCHENS, PROMOTING LOCAL FOODS, AND
105 INCREASING ECONOMIC OPPORTUNITIES FOR LOCAL FOOD
106 PRODUCERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill increases consumer access to local fresh and value-added agricultural products.

Sections 2, 3, and 4 of the bill allow a grower to use his or her private home kitchen for the production of low-risk food to be sold at retail if:

- ! The grower registers with a registry created and maintained by the grower's district, county, or regional board of health;
- ! The food produced in the kitchen is a baked or dehydrated food or is an acid food product;
- ! The food incorporates a key or principal agronomic ingredient that was grown by the person;
- ! Net revenues from each eligible food product made in the home kitchen do not exceed \$5,000 in a calendar year; and
- ! The food is sold directly to ultimate consumers and only at the grower's residence or roadside stand, a farmers' market, a community-supported agricultural organization, or similar venue.

Section 4 further identifies prerequisites and procedures for registration, including training in food handling safety and mandatory label components of foods produced in home kitchens.

Section 5 allows the Colorado food systems advisory council to consider the feasibility of developing a subclassification of the "Colorado Proud" marketing program specifically devoted to stimulating purchases of fresh, locally sourced fruits and vegetables.

Section 6 adds promoting farmers' markets to the list of powers, functions, and duties of the Colorado department of agriculture.

Section 7 allows small egg producers to sell their eggs on the producers' premises or at local farmers' markets and applies the laws and rules regarding safe transport, including refrigeration and washing requirements, to such eggs.

Section 8 directs the Colorado department of transportation to promulgate rules regarding the safe placement of signs advertising farmers' markets and roadside stands.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that facilitating greater access to markets and
4 consumers for small, local producers of fresh and value-added foods will
5 foster direct connections between people and local producers, which
6 connections will:

1 (a) Support economic development and agritourism in Colorado
2 communities by generating entrepreneurial opportunities, encouraging
3 direct-to-consumer sales of locally grown foods, and creating new jobs;

4 (b) Invigorate local food systems by easing impediments to local
5 markets; and

6 (c) Increase the self-reliance of Colorado communities.

7 (2) The general assembly further finds and declares that:

8 (a) Exempting from retail food establishment licensure
9 requirements, requiring county, district, or regional boards of health to
10 register home kitchens, and encouraging those boards of health to work
11 with the local agricultural community to establish local food production
12 programs will support both local farmers and small-scale producers;

13 (b) Growers with locally registered home kitchens will have
14 sufficient incentives to be accountable to consumers and provide safe,
15 wholesome foods;

16 (c) At least eighteen states in which agriculture is important have
17 enacted "cottage food laws" that allow growers to produce nonhazardous
18 food in their home kitchens and sell that food to consumers; and

19 (d) Making fresh, locally produced foods more easily available to
20 all consumers will improve the healthy eating habits of all Coloradans.

21 (3) The general assembly also encourages entities that regulate,
22 affect, or are interested in local food production and related matters to
23 examine ways in which to revise zoning ordinances, building and health
24 codes, and other legal barriers to accommodate and encourage the
25 growing and use of local produce and the production of value-added
26 foods that use local produce. Such entities are also urged to initiate,
27 support, and set goals for farm-to-school program efforts, including

1 programs in which schools and other public entities generate and make
2 use of on-site produce and that incorporate into a farm-to-school
3 curriculum knowledge and consumption of locally sourced and
4 distributed foods, including those grown in geothermally heated and other
5 greenhouses.

6 **SECTION 2.** 25-4-1602 (14), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **25-4-1602. Definitions.** As used in this part 16, unless the
9 context otherwise requires:

10 (14) "Retail food establishment" means a retail operation that
11 stores, prepares, or packages food for human consumption or serves or
12 otherwise provides food for human consumption to consumers directly or
13 indirectly through a delivery service, whether such food is consumed on
14 or off the premises or whether there is a charge for such food. "Retail
15 food establishment" does not mean:

16 (m) A HOME KITCHEN IN WHICH A GROWER REGISTERED UNDER
17 SECTION 25-4-1614 PRODUCES FOOD PRODUCTS SOLD DIRECTLY TO
18 CONSUMERS IN ACCORDANCE WITH THAT SECTION.

19 **SECTION 3.** 25-4-1603, Colorado Revised Statutes, is amended
20 to read:

21 **25-4-1603. Licensing, certification, and food protection**
22 **agency.** (1) The department is hereby designated the state licensing,
23 certification, and food protection agency for the purpose of protecting the
24 public health and ensuring a safe food supply in this state. ~~In addition to~~
25 ~~such designation,~~ The department is hereby ALSO authorized to regulate
26 and control retail food establishments, promulgate rules governing the
27 operation of such establishments, and uniformly enforce and administer

1 this part 16.

2 (2) NOTHING IN SUBSECTION (1) OF THIS SECTION AFFECTS OR
3 IMPAIRS THE REQUIREMENT THAT A COUNTY, DISTRICT, OR REGIONAL
4 BOARD OF HEALTH CREATE A REGISTRY OF GROWERS WHO SELL FOOD
5 PRODUCTS PRODUCED IN THE GROWERS' HOME KITCHENS IN ACCORDANCE
6 WITH SECTION 25-4-1614.

7 **SECTION 4.** Part 16 of article 4 of title 25, Colorado Revised
8 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
9 read:

10 **25-4-1614. Home kitchens - exemption - registration - local**
11 **registries - rules - short title - definitions.** (1) THIS SECTION SHALL BE
12 KNOWN AND MAY BE CITED AS THE "COLORADO COTTAGE FOODS ACT".

13 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
14 CONTRARY, A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH THAT
15 IS AUTHORIZED TO ENFORCE THIS PART 16 AND RULES ADOPTED UNDER
16 THIS PART 16 SHALL CREATE A REGISTRY OF GROWERS REGISTERED
17 PURSUANT TO THIS SECTION WHO SELL, DIRECTLY TO CONSUMERS, FOOD
18 PRODUCED IN THE GROWER'S PRIVATE HOME KITCHEN THAT IS LOCATED
19 WITHIN THE BOARD'S JURISDICTION. A COUNTY, DISTRICT, OR REGIONAL
20 BOARD OF HEALTH MAY CONSULT WITH EITHER THE COLORADO STATE
21 UNIVERSITY COOPERATIVE EXTENSION SERVICE OR THE UNITED STATES
22 DEPARTMENT OF AGRICULTURE FOR GUIDANCE ON SAFETY, SANITATION,
23 AND HEALTH-RELATED ISSUES.

24 (3) (a) A GROWER MAY USE HIS OR HER HOME KITCHEN TO
25 PRODUCE FOODS FOR SALE ONLY IF THE GROWER SELLS THE FOODS
26 DIRECTLY TO ULTIMATE CONSUMERS AND REGISTERS WITH A COUNTY,
27 DISTRICT, OR REGIONAL BOARD OF HEALTH IN ACCORDANCE WITH THIS

1 SECTION.

2 (b) A REGISTRANT IS PERMITTED TO SELL ONLY THE FOLLOWING
3 TYPES OF HOME KITCHEN-PREPARED FOODS UNDER THIS SECTION:

4 (I) NONPOTENTIALLY HAZARDOUS FOODS THAT DO NOT REQUIRE
5 REFRIGERATION, INCLUDING SPICES, DEHYDRATED PRODUCE, HONEY,
6 JAMS, JELLIES, PRESERVES, FRUIT BUTTER, AND BAKED GOODS; AND

7 (II) ACID FOODS, ACIDIFIED FOOD PRODUCTS, AND FORMULATED
8 ACID FOOD PRODUCTS, ALL OF WHICH SHALL BE IN THE FORM OF CANNED
9 FOODS.

10 (c) A REGISTRANT MUST HAVE GROWN THE PRINCIPAL AGRONOMIC
11 INGREDIENT OF ANY FOOD SOLD UNDER THIS SECTION, OR, FOR BAKED
12 GOODS, THE REGISTRANT MUST HAVE GROWN A KEY AGRONOMIC
13 INGREDIENT OF THE BAKED FOOD SOLD UNDER THIS SECTION.

14 (d) THE FOODS PRODUCED UNDER THIS SECTION MUST BE SOLD
15 ONLY:

16 (I) DIRECTLY TO ULTIMATE CONSUMERS; AND

17 (II) ON THE REGISTRANT'S PREMISES, AT THE REGISTRANT'S
18 ROADSIDE STAND, OR AT A FARMERS' MARKET, COMMUNITY-SUPPORTED
19 AGRICULTURE ORGANIZATION, OR SIMILAR VENUE.

20 (e) ONLY A GROWER WHO EARNS NET REVENUES OF FIVE
21 THOUSAND DOLLARS OR LESS PER CALENDAR YEAR FROM SALES OF EACH
22 FOOD PRODUCT PRODUCED IN THE GROWER'S HOME KITCHEN IS ELIGIBLE
23 FOR REGISTRATION UNDER THIS SECTION.

24 (f) TO BE REGISTERED PURSUANT TO THIS SECTION, A GROWER
25 MUST BE CERTIFIED IN SAFE FOOD HANDLING BY A THIRD-PARTY
26 CERTIFYING ENTITY AND MAINTAIN A STATUS OF GOOD STANDING IN
27 ACCORDANCE WITH THE CERTIFYING ENTITY'S PRACTICES AND

1 PROCEDURES, INCLUDING ATTENDING ANY CLASSES REQUIRED FOR
2 CERTIFICATION. A GROWER PRODUCING FOODS DESCRIBED UNDER
3 SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (3) MUST
4 ALSO BE CERTIFIED IN ACID-FOODS HANDLING TECHNIQUES, ACID-FOODS
5 PROTECTION PRINCIPLES, pH CONTROLS, AND CRITICAL FACTORS IN
6 ACIDIFICATION.

7 (4) IN ORDER TO REGISTER TO SELL FOODS UNDER THIS SECTION,
8 A GROWER MUST SUBMIT THE FOLLOWING TO THE COUNTY, DISTRICT, OR
9 REGIONAL BOARD OF HEALTH IN WHICH THE GROWER'S HOME KITCHEN IS
10 LOCATED:

11 (a) A REGISTRATION FEE IN AN AMOUNT DETERMINED BY THE
12 COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH TO BE SUFFICIENT TO
13 RECOVER THE ACTUAL AND DIRECT COSTS OF ADMINISTERING THIS
14 SECTION, INCLUDING THE EXPENSES OF CREATING AND MAINTAINING A
15 REGISTRY OF REGISTRANTS LOCATED WITHIN THAT BOARD'S JURISDICTION;

16 (b) AN AFFIDAVIT STATING THAT THE GROWER WILL COMPLY WITH
17 PARAGRAPH (e) OF SUBSECTION (3) OF THIS SECTION;

18 (c) A SAMPLE OF THE LABEL THAT THE GROWER INTENDS TO USE
19 AND THAT CONFORMS TO SUBSECTION (5) OF THIS SECTION; AND

20 (d) PROOF OF CERTIFICATION IN SAFE FOOD HANDLING PURSUANT
21 TO PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION.

22 (5) (a) NO FOOD PRODUCT SHALL BE SOLD UNDER THIS SECTION
23 UNLESS IT HAS AN AFFIXED LABEL THAT INCLUDES AT LEAST THE
24 FOLLOWING INFORMATION:

25 (I) IDENTIFICATION OF THE PRODUCT;

26 (II) THE REGISTRANT'S NAME, THE ADDRESS AT WHICH THE FOOD
27 WAS PREPARED, AND THE REGISTRANT'S CURRENT TELEPHONE NUMBER;

1 (III) THE DATE ON WHICH THE FOOD WAS PRODUCED;

2 (IV) THE COMPLETE LIST OF INGREDIENTS; AND

3 (V) THE FOLLOWING DISCLAIMER: "THIS PRODUCT WAS PRODUCED
4 IN A HOME KITCHEN THAT IS NOT SUBJECT TO STATE LICENSURE OR
5 INSPECTION AND THAT MAY ALSO PROCESS COMMON FOOD ALLERGENS
6 SUCH AS TREE NUTS, PEANUTS, EGGS, SOY, WHEAT, MILK, FISH, AND
7 CRUSTACEAN SHELLFISH. THIS PRODUCT IS NOT INTENDED FOR RESALE."

8 (b) A FOOD PRODUCT SOLD UNDER THIS SECTION AND NOT
9 LABELED IN ACCORDANCE WITH PARAGRAPH (a) OF THIS SUBSECTION (5)
10 IS MISBRANDED AND IS SUBJECT TO FOOD SAMPLING AND INSPECTION
11 PURSUANT TO SUBSECTION (7) OF THIS SECTION.

12 (6) (a) (I) A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH
13 MAY PROMULGATE RULES AS NECESSARY TO ADMINISTER THIS SECTION.

14 (II) A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH MAY
15 ADOPT POLICIES OR PROMULGATE RULES REGARDING RECEIPT AND
16 RETENTION OF DOCUMENTATION REQUIRED UNDER THIS SECTION OR
17 REQUIRED BY RULES PROMULGATED PURSUANT TO THIS PARAGRAPH (a).
18 THE BOARD POLICIES OR RULES SHOULD ESTABLISH METHODS TO IDENTIFY
19 AND INVESTIGATE ALLEGATIONS OF FOOD-BORNE ILLNESSES CONTRACTED
20 FROM FOODS SOLD UNDER THIS SECTION. HOWEVER, NOTHING IN THIS
21 SECTION REQUIRES A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH
22 TO VERIFY THE ACCURACY OR LEGITIMACY OF DOCUMENTATION
23 SUBMITTED BY A REGISTRANT OR PERSON SEEKING REGISTRATION UNDER
24 THIS SECTION.

25 (b) THE COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH
26 SHALL DEPOSIT THE FEE COLLECTED UNDER PARAGRAPH (a) OF
27 SUBSECTION (4) OF THIS SECTION IN THE APPROPRIATE COUNTY, DISTRICT,

1 OR REGIONAL PUBLIC HEALTH AGENCY FUND IN ACCORDANCE WITH
2 SECTION 25-1-511.

3 (7) (a) A FOOD PRODUCT PRODUCED PURSUANT TO THIS SECTION
4 IS SUBJECT TO FOOD SAMPLING AND INSPECTION IF IT IS DETERMINED THAT
5 THE FOOD PRODUCT IS MISBRANDED PURSUANT TO SUBSECTION (5) OF THIS
6 SECTION OR IF A CONSUMER COMPLAINT HAS BEEN RECEIVED.

7 (b) IF A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH HAS
8 REASON TO BELIEVE THAT AN IMMINENT HEALTH HAZARD EXISTS, IT MAY
9 SUSPEND A REGISTRATION UNDER THIS SECTION UNTIL IT DEEMS THAT THE
10 HAZARDOUS SITUATION HAS BEEN ADDRESSED TO THE SATISFACTION OF
11 THE BOARD.

12 (c) A COUNTY, DISTRICT, OR REGIONAL BOARD OF HEALTH MAY
13 REVOKE A REGISTRATION UNDER THIS SECTION FOR VIOLATION OF THIS
14 SECTION OR RULES ADOPTED UNDER THIS SECTION OR FOR OTHER GOOD
15 CAUSE SHOWN, AFTER A HEARING CONDUCTED UPON REASONABLE NOTICE
16 TO THE REGISTRANT AND AT WHICH THE REGISTRANT MAY BE PRESENT
17 WITH COUNSEL AND MAY BE HEARD.

18 (8) A PERSON WHO PURCHASES A PRODUCT MADE BY A
19 REGISTRANT SHALL NOT RESELL THE PRODUCT.

20 (9) SECTIONS 25-4-1604 THROUGH 25-4-1613 DO NOT APPLY TO
21 THIS SECTION.

22 (10) AS USED IN THIS SECTION:

23 (a) "ACID FOOD" MEANS FOODS THAT HAVE A NATURAL PH OF 4.6
24 OR BELOW.

25 (b) "ACIDIFIED FOOD PRODUCT" MEANS A LOW-ACID FOOD, WITH
26 A NATURAL PH OF 4.6 OR HIGHER, TO WHICH ACID OR ACIDIC FOOD IS
27 ADDED AND THAT HAS A WATER ACTIVITY VALUE GREATER THAN 0.85 AND

1 A FINISHED EQUILIBRIUM pH OF 4.6 OR BELOW.

2 (c) "FORMULATED ACID FOOD PRODUCT" MEANS AN ACID FOOD IN
3 WHICH THE ADDITION OF A SMALL AMOUNT OF LOW-ACID FOOD RESULTS
4 IN A FINISHED EQUILIBRIUM pH OF 4.6 OR BELOW THAT DOES NOT
5 SIGNIFICANTLY DIFFER FROM THAT OF THE PREDOMINANT ACID OR ACID
6 FOOD.

7 (d) "GROWER" MEANS A NATURAL PERSON WHO IS A RESIDENT OF
8 COLORADO AND WHO GROWS THE PRINCIPAL OR A KEY AGRONOMIC
9 INGREDIENT OF ANY FOOD SOLD UNDER THIS SECTION, AS SPECIFIED IN
10 PARAGRAPH (c) OF SUBSECTION (3) OF THIS SECTION.

11 (e) "HOME" MEANS A PRIMARY RESIDENCE OCCUPIED BY THE
12 REGISTRANT PRODUCING THE FOOD UNDER THIS SECTION.

13 (f) "NONPOTENTIALLY HAZARDOUS" HAS THE MEANING SET FORTH
14 IN SECTION 25-4-1602.

15 (g) "REGISTRANT" MEANS A GROWER REGISTERED UNDER THIS
16 SECTION.

17 **SECTION 5.** 24-37.3-103, Colorado Revised Statutes, is
18 amended BY THE ADDITION OF THE FOLLOWING NEW
19 SUBSECTIONS to read:

20 **24-37.3-103. Council - purpose and duties.** (3) (a) THE
21 COUNCIL MAY ALSO STUDY THE FEASIBILITY OF CREATING COLORADO
22 "FRESH AND LOCAL", A SUBCLASSIFICATION OF THE "COLORADO PROUD"
23 PROGRAM THAT SPECIFICALLY EMPHASIZES BUYING FRESH COLORADO
24 PRODUCE THAT IS PRODUCED LOCALLY AND SOLD DIRECTLY TO
25 CONSUMERS AT FARMERS' MARKETS, ROADSIDE STANDS,
26 COMMUNITY-SUPPORTED AGRICULTURE ORGANIZATIONS, OR SIMILAR
27 VENUES.

1 (b) IF THE COUNCIL DOES STUDY A POTENTIAL COLORADO "FRESH
2 AND LOCAL" PROGRAM PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION
3 (3), THE COUNCIL SHALL MAKE RECOMMENDATIONS REGARDING A
4 PROGRAM TO THE DEPARTMENT OF AGRICULTURE. FURTHERMORE, IF,
5 PURSUANT TO A STUDY, THE COUNCIL DECIDES THAT A "FRESH AND
6 LOCAL" PROGRAM IS FEASIBLE, THE COUNCIL MAY COLLABORATE WITH
7 THE DEPARTMENT OF AGRICULTURE TO ESTABLISH METHODS AND
8 STANDARDS FOR IDENTIFYING PRODUCTS UNDER THE PROGRAM,
9 INCLUDING COPYRIGHT AND LOGO USE GUIDELINES AND RESTRICTIONS.

10 (4) CONSISTENT WITH THE COUNCIL'S MISSION, FUNCTIONS, AND
11 DUTIES, THE COUNCIL MAY SUPPORT AND ENCOURAGE EFFORTS TO SET
12 GOALS TO MAKE LOCAL FOODS AVAILABLE TO LOCAL INSTITUTIONS AND
13 SCHOOLS. IN ADDITION, THE COUNCIL MAY REVIEW SUCCESSFUL
14 PROGRAMS AND MODELS USED BY OTHER STATES TO FACILITATE ACCESS
15 TO LOCAL FOODS.

16 **SECTION 6.** 35-1-104 (1), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **35-1-104. Functions, powers, and duties.** (1) The department
19 has and shall exercise the following functions, powers, and duties:

20 (h.5) TO PROMOTE, WITHIN EXISTING APPROPRIATIONS, FARMERS'
21 MARKETS LOCATED WITHIN THE STATE, INCLUDING SUPPORT OR
22 DEVELOPMENT OF FARMERS' MARKET ORGANIZATIONS AND WORKING
23 GROUPS AND THE PROVISION OF EDUCATION, OUTREACH, AND OTHER
24 ASSISTANCE;

25 **SECTION 7.** 35-21-105, Colorado Revised Statutes, is amended
26 to read:

27 **35-21-105. Exemption.** (1) ~~Any~~ EXCEPT AS PROVIDED IN

1 SUBSECTION (2) OF THIS SECTION, A person who produces and sells, only
2 ~~at retail~~ ON THE PREMISES AT WHICH THE EGGS WERE PRODUCED, AT A
3 FARMERS' MARKET, OR THROUGH A COMMUNITY-SUPPORTED
4 AGRICULTURAL ORGANIZATION, less than two hundred fifty dozen eggs
5 per month ~~shall be exempted~~ IS EXEMPT from ~~all provisions of this article;~~
6 except that such a producer may apply for a dealer's license and, upon
7 compliance with this article, be issued a dealer's license.

8 (2) A PERSON TRANSPORTING EGGS FOR SALE AT A FARMERS'
9 MARKET OR SIMILAR VENUE UNDER SUBSECTION (1) OF THIS SECTION
10 SHALL:

11 (a) COMPLY WITH THE TRANSPORT REQUIREMENTS OF SECTION
12 35-21-103 (3) AND ANY RULES, INCLUDING RULES REQUIRING
13 REFRIGERATION, PROMULGATED UNDER THIS ARTICLE REGARDING THE
14 SAFE TRANSPORT AND WASHING OF EGGS; AND

15 (b) AFFIX TO THE EGG PACKAGE A LABEL CONTAINING THE
16 ADDRESS AT WHICH THE EGGS ORIGINATED AND THE DATE ON WHICH THE
17 EGGS WERE PACKAGED.

18 **SECTION 8.** The introductory portion to 43-1-415 (1), Colorado
19 Revised Statutes, is amended, and the said 43-1-415 (1) is further
20 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

21 **43-1-415. Administration and enforcement - authority for**
22 **agreements - rules.** (1) The department shall administer and enforce ~~the~~
23 ~~provisions of~~ this part 4 and shall promulgate and enforce rules
24 ~~regulations,~~ and standards necessary to carry out ~~the provisions of this~~
25 part 4, including: ~~but not limited to:~~

26 (g) RULES THAT SET FORTH STANDARDS FOR THE SAFE PLACEMENT
27 OF SIGNAGE ADVERTISING ROADSIDE STANDS, FARMERS' MARKETS, AND

1 SIMILAR VENUES. THE RULES MUST TAKE INTO ACCOUNT THE TEMPORARY
2 AND SEASONAL NEEDS FOR THE SIGNAGE AND MUST LIMIT THE
3 PERMISSIBLE PERIOD TO DISPLAY THE SIGNAGE TO ONE HOUR PRIOR TO
4 OPENING FOR BUSINESS THROUGH ONE HOUR AFTER CLOSING. IN
5 PROMULGATING RULES UNDER THIS PARAGRAPH (g), THE DEPARTMENT
6 SHALL COLLABORATE WITH THE FEDERAL HIGHWAY ADMINISTRATION,
7 LOCAL GOVERNMENTAL ENTITIES, AGRICULTURAL GROUPS THAT PROMOTE
8 LOCAL FOOD PRODUCTION, AND OTHER INTERESTED PARTIES.

9 **SECTION 9. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part shall not take effect
16 unless approved by the people at the general election to be held in
17 November 2012 and shall take effect on the date of the official
18 declaration of the vote thereon by the governor.