

SENATE No. 1323

By Mr Timilty, a petition (accompanied by bill, Senate, No. 1323) of Joseph F. Timilty for legislation to establish a statewide direct marketing unit. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT ESTABLISHING A STATEWIDE DIRECT MARKETING UNIT.

Court assembled, and by the authority of the same, as follows:

Be it enacted by the Senate and House of Representatives in General

1 Chapter 128 of the General Laws is hereby amended by in-
2 serting after section 101 the following sections: —

3 *Section 102.* The legislature hereby finds that food products
4 imported into the state require a costly system of processing,
5 transportation, distribution and marketing; and that the de-
6 mand, by consumers within the state, for increasing supplies
7 of wholesome, fresh and nutritious farm food and food prod-
8 ucts provides a significant opportunity for the development of
9 alternative marketing structures for good growth within the
10 state by which such products may be supplied directly to the
11 consuming public, and at the wholesale level.

12 The legislature further finds that the conventional wholesale
13 marketing system, through which the Massachusetts farmers
14 and agricultural producers have traditionally sold their prod-
15 ucts, frequently has not provided an economic return sufficient
16 to offset the rising costs of agricultural production and energy
17 and maintain an adequate farm income and an incentive to
18 produce.

19 The legislature finds also that direct marketing of agricul-
20 tural products by permitting direct sales from farm and other
21 agricultural producers to consumers and other buyers can pro-
22 vide producers with a substantially increased income over that
23 which is currently obtainable through the conventional whole-
24 sale marketing system.

25 It is therefore the intent of the legislature and the purpose

26 of this article to provide increased opportunities for farm and
27 food product producers within the state to wholesale and re-
28 tail their products directly to consumers on a state, regional,
29 and local basis; to encourage expanded production of farm
30 and food products and commercial harvesting and processing
31 of fish and fish products which may be purchased directly by
32 consumers; to increase the share of the consumer's food dol-
33 lar retained by the producers of farm and food products pro-
34 duced within the state by public and private institutions and
35 agencies.

36 *Section 103.* As used in this article.

37 "Direct marketing" means the sale of farm and food prod-
38 ucts directly from production to consumers and food buyers
39 accustomed to purchasing such products from sources other
40 than the producers.

41 "Farm and food product" means any agricultural, horticul-
42 tural, forest, or other product of the soil or water that has
43 been grown, harvested, or produced wholly within the Com-
44 monwealth of Massachusetts. Such products shall include, but
45 not be limited to, fruits, vegetables, eggs, dairy products, meat
46 and meat products, poultry products, fish and fish products,
47 honey, nuts, preserves, maple sap products, apple cider, fruit
48 juice, ornamental or vegetable plants, nursery products, flow-
49 ers, firewood and Christmas trees.

50 "Producer" means any person who grows, produces or causes
51 to be grown or produced any farm and food products in Mas-
52 sachusetts. This term shall also include members of the pro-
53 ducer's family and the producer's employees.

54 "Farm market" means any building or structure operated
55 by a producer for the direct marketing of farm and food prod-
56 ucts.

57 "Certified farm market" means farm market that is a bona
58 fide member of a certified farm market association organized
59 for the purpose of establishing and enforcing quality stand-
60 ards for the direct marketing of Massachusetts farm and food
61 products by its members.

62 "Farmers market" means a building, structure, or place
63 used or intended to be used by two or more producers for the
64 direct marketing of farm and food products.

65 "Public or private agencies" means any department, divi-
66 sion, bureau, or program of the federal or state government,
67 or local governments, public benefit corporations, private non-
68 profit organizations, or educational institutions.

69 *Section 104.* There is hereby established in the state depart-
70 ment of food and agriculture a statewide direct marketing unit
71 within the division of markets. The unit shall facilitate direct
72 marketing between producers and consumers by the develop-
73 ment and implementation of communication, technical assist-
74 ance and education assistance programs involving a variety of
75 direct marketing methods, including, but not limited to, farm
76 markets, certified farm markets, farmers markets, direct sales
77 to consumer food co-ops, public and private agencies, retail
78 food stores and other food buyers, pick your own operations,
79 truck load sales, mail order sales, cooperative marketing and
80 purchasing programs.

81 The statewide direct marketing unit shall: —

82 Facilitate the use of these direct marketing methods by
83 adapting and expanding present commodities information sys-
84 tem that will collect and disseminate information voluntarily
85 submitted by producers interested in selling their products di-
86 rectly to consumers, consumer organizations, public and pri-
87 vate organizations, food retailers and other buyers.

88 Assist producers, consumers, consumer organizations, pub-
89 lic and private agencies, food retailers and other buyers in
90 initiating direct marketing arrangements and improving exist-
91 ing direct marketing operations.

92 Develop educational, promotional and informational mate-
93 rials for groups concerned with direct marketing.

94 The statewide direct marketing units shall place special em-
95 phasis on areas identified as having poor consumer access
96 to high quality and reasonably priced food and farm prod-
97 ucts.

98 The statewide unit shall establish a statewide advisory coun-
99 cil which shall provide information to and advise the unit, in
100 a manner prescribed by the commissioner on policy, planning
101 and programs.

102 The state unit may establish a regional office or personnel
103 in the West Springfield office of the department of food and

104 agriculture.

105 *Section 105.* The commissioner shall have the powers and
106 duties to: —

107 Develop and implement programs designed to facilitate
108 direct marketing.

109 Encourage direct marketing through the cooperative selling
110 and buying of farm products.

111 Provide technical assistance to producers of farm products
112 seeking new or improved methods of direct marketing of such
113 products.

114 Provide assistance to retail stores seeking to purchase farm
115 and food products directly from producers.

116 Provide information and technical assistance to consumer
117 or nonprofit organizations seeking to purchase or facilitate the
118 purchase of farm products directly from food producers.

119 Publicize and encourage participation by producers and con-
120 sumers in direct marketing programs.

121 Encourage the direct marketing of food and farm products
122 to public and private agencies within the state.

123 Encourage the development of direct marketing programs
124 within areas of the state which are identified as having poor
125 consumer access to reasonably priced and high quality farm
126 products.

127 Conduct conferences or workshops and provide materials
128 designed to inform and encourage participation in direct mar-
129 keting by both producers and buyers of farm products within
130 the Commonwealth.

131 Contract, where necessary, and cooperate with other federal,
132 state and local government and private non-profit agencies for
133 the development, design and implementation of any activities
134 authorized hereunder.

135 Such funds may be distributed by a competitive grants sys-
136 tem to public or private profit or non-profit organizations and
137 businesses to support activities as designated by the advisory
138 council.

139 Undertake any other activities which he deems necessary to
140 accomplish the purposes of this article.

141 Promulgate rules and regulations necessary to supplement

142 and give full force and effect to the provisions of this arti-
143 cle.

144 *Section 106.* The statewide direct marketing unit shall have
145 the following functions and duties;

146 Coordination of direct marketing activities among the divi-
147 sions of markets, land use and other such divisions as may be
148 necessary, and with the direct marketing advisory council.

149 Collection and dissemination of information on sources of
150 Massachusetts farm and food products available through direct
151 marketing.

152 Communications and promotion of direct marketing activi-
153 ties to include, where appropriate, cooperation with the coop-
154 erative extension service in the area of education: —

155 Public information that publicizes the various direct mar-
156 keting programs and encourages food cooperatives, public in-
157 stitutions, consumers, farmers and communities to partici-
158 pate.

159 Organization of special events, such as workshops, seminars
160 and conferences, to call attention to direct marketing oppor-
161 tunities available and the desirability of patronizing them.

162 The statewide unit shall encourage the development of vol-
163 untary programs for the improvement of direct marketing of
164 farm and food products at Massachusetts farmers markets.
165 The statewide unit shall develop and provide technical and pro-
166 motional assistance to effectuate said program, including util-
167 ization of the "Mass. Grown and Fresher" logo to identify all
168 participants in such programs.

169 Development of institutional direct marketing programs to
170 increase the purchase of Massachusetts farm and food prod-
171 ucts in coordination with the Executive Office of Administra-
172 tion and Finance, the State Departments of Education, Cor-
173 rections, Mental Health, Public Health, State Universities, and
174 other agenices as deemed appropriate.

175 Research and development activities, including: —

176 a. Coordination and development of a program for initiat-
177 ing, improving and expanding direct marketing activities and
178 developing new forms of direct marketing.

179 b. Provision of technical assistance to consumer and pro-
180 ducer marketing groups in organizing and improving existing

181 direct markets.

182 c. Research feasibility of development of food storage ware-
183 house and minimal food processing facilities to assist expan-
184 sion of direct marketing sales.

185 d. Education and training, and technical assistance to pro-
186 ducers in the selection of product, methods for direct market-
187 ing, and other aspects related to enhancing participation and
188 success in direct marketing initiatives.

189 e. Development of measures of program quality, perform-
190 ance and participant satisfaction that will enable the unit for
191 direct marketing to perform yearly assessments of the effects
192 of their direct marketing activities.

193 f. Submission of an annual report to the commissioner from
194 the statewide unit.

195 g. Submission of a bi-annual report to the legislature which
196 shall include a descriptive summary of the direct marketing
197 program and projects undertaken by statewide and regional
198 staff, and an evaluation of the regional and institutional effect
199 of direct marketing activities.

200 *Section 107.* There shall be established a statewide direct
201 marketing advisory council to advise the commissioner in pol-
202 icy planning and programs pertaining to direct marketing.
203 The council will be convened at the request of the commis-
204 sioner not less than four (4) times per year, and the council's
205 members shall serve without pay but shall be reimbursed for
206 allowable and necessary travel expenses.

207 The advisory council shall consist of not less than 10 mem-
208 bers, including the commissioner or his designated representa-
209 tive who shall serve as chairman, with other members selected
210 from organizations and institutions involved in direct market-
211 ing activities.

212 The duties and responsibilities of the statewide advisory
213 council shall be prescribed by the commissioner and he may
214 specifically delegate to the council any or all of the following
215 duties and responsibilities: —

216 Assisting the commissioner in the collection and assembly
217 of information and data necessary for the proper administra-
218 tion of this article.

219 Study of matters pertaining to direct marketing and report-

220 ing their findings to the commissioner.

221 Recommend to the commissioner proposed rules and regula-
222 tions, or amendments to existing rules and regulations, to ef-
223 fectuate the purposes of this article.

224 Recommend to the commissioner policy positions with re-
225 spect to federal and state legislation and regulations which
226 affect direct marketing within the state.

227 Recommend to the commissioner educational programs and
228 promotional materials designed to foster direct marketing
229 within the state.

230 The performance of such other duties relating to the admin-
231 istration of this article as the commissioner may delegate.

232 Review requests and recommend to the commissioner recip-
233 ients of funds for direct marketing specified within this act.

