STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1008

By: West (Rick)

COMMITTEE SUBSTITUTE

An Act relating to agriculture; enacting the Oklahoma Right to Garden Act of 2023; defining terms; providing the right to grow vegetables in a vegetable garden for personal consumption; providing that a municipality, city, or town may enact certain content-neutral ordinances regulating vegetable gardens; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3031 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Right to Garden Act of 2023".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3032 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in this act:
1. "Residential property" means real property on which there is a dwelling unit with accommodations for four or fewer separate households and is further limited to the primary residence of a person; and

2. "Vegetable garden" means a piece of property wholly located within a person's residential property that is used to grow produce, flowers, herbs, fungi, or grains for one's own consumption and enjoyment and not for resale or distribution.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3033 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. It shall be the right of citizens of the State of Oklahoma to engage in growing their own vegetables in a vegetable garden on their personal property for personal consumption, subject to restrictions rationally related to a governmental purpose.

B. Notwithstanding, this section shall not prohibit any municipality, city, or town from enacting content-neutral ordinances or regulations that address the following:

1. Limiting the size and proximity of gardens to roadways, structures, or other locations that impact health and safety; or

2. The enforcement of constitutional and lawful ordinances adopted by municipalities that are in conformity with general powers of municipal governments within this state that are of a general nature that do not specifically ban gardening, including, but not
limited to, regulations and ordinances relating to water usage
during drought conditions, fertilizer use, or control of invasive
species.

SECTION 4. This act shall become effective November 1, 2023.

59-1-7459      JL      02/15/23