

AGRICULTURAL MARKETING AND BARGAINING ACT (EXCERPT)
Act 344 of 1972

290.702 Definitions.

Sec. 2. As used in this act:

(a) "Association" means a cooperative association of producers or a division thereof, or a federation of cooperative associations of producers, engaged in the marketing, bargaining, shipping, or processing of an agricultural commodity on behalf of its members who are producers of the agricultural commodity.

(b) "Accredited association" means an association accredited in accordance with this act.

(c) "Person" means an individual, partnership, corporation, or association.

(d) "Department" means the department of agriculture and rural development.

(e) "Producer" means any person who produces or causes to be produced in any 1 marketing period within the previous 2 marketing periods any agricultural commodity in a quantity beyond his or her own family use and having a minimum value at first point of sale as determined by the department for that agricultural commodity, and who is able, during the marketing period, to transfer to a handler or an association a merchantable title to the agricultural commodity or provide management, labor, machinery, facilities, or any other production input, with the assumption of risk, for the production of the agricultural commodity under a written or oral contract.

(f) "Agricultural commodity" means all perishable fruits and vegetables as defined by the department. The kinds, types, and subtypes of products to be classed together as an agricultural commodity for the purposes of this act shall be determined by the department on the basis of common usage and practice.

(g) "Handler" means a person other than an association engaged in the business or practice of any of the following:

(i) Acquiring agricultural commodities from producers or associations for processing or sale.

(ii) Grading, packaging, handling, storing, or processing agricultural commodities received from producers or associations.

(iii) Contracting or negotiating contracts or other arrangements, written or oral, with producers or associations with respect to the production of any agricultural commodity.

(iv) Acting as an agent or broker for a handler in the performance of any function or act specified above. Handler does not include a producer who sells at a retail establishment that he or she owns and operates or who sells directly to consumers at a produce market agricultural commodities produced by him or her and agricultural commodities produced by another producer subject to value limitation established by the department.

(h) "Marketing period" for an agricultural commodity means a period of time determined by the department during which producers normally deliver for sale to handlers or contract with handlers for the production and future delivery for sale of substantially all of a crop or periodic production of the agricultural commodity.

(i) "Member" means a producer who has entered into a contract with an association appointing the association as his or her exclusive agent in negotiations with handlers with respect to the marketing of an agricultural commodity.

(j) "Unfair practices" means those practices prohibited under section 4.

History: 1972, Act 344, Eff. Mar. 30, 1973;—Am. 2012, Act 119, Imd. Eff. May 2, 2012.