
By: **Senator Frosh**

Introduced and read first time: February 2, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Organically Produced Commodities**

3 FOR the purpose of exempting certain producers of organic commodities from using
4 certain practices or certain pesticides on certain land under certain
5 circumstances; mandating the Department of Agriculture to require certain
6 producers of organic commodities to comply with certain standards; prohibiting
7 certain producers from using certain practices and pesticides on certain land;
8 and generally relating to organically produced commodities.

9 BY repealing and reenacting, with amendments,
10 Article - Agriculture
11 Section 9-402, 10-1403, and 10-1404
12 Annotated Code of Maryland
13 (1985 Replacement Volume and 1998 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Agriculture**

17 9-402.

18 (A) The Secretary may:

19 (1) Make investigations, studies, and determinations he deems advisable
20 in order to ascertain the extent of growth and infestation of a noxious weed, other
21 weed species in the State, and the effect of the species on agricultural production;

22 (2) Following public hearing, designate as noxious weeds other species of
23 plants which adversely affect or threaten agricultural production, and carry out
24 practices necessary to bring about control or abatement of the species, or both;

25 (3) Institute programs of control and eradication;

1 (4) Enter into agreements with any county and subdivision of the State,
2 with any adjoining state, and with agencies of the federal government to effect a
3 program of control and eradication;

4 (5) Accept, use, or expend any aid, gift, grant, or loan made available
5 from any private or public source to carry out the provisions of this subtitle; and

6 (6) Following a public hearing declare a quarantine to control or
7 eradicate any exotic plant, which means a plant species not previously known to occur
8 in the State or known to be of only limited distribution in the State, as determined by
9 the Secretary.

10 (B) THE SECRETARY MAY NOT REQUIRE A PRODUCER, CERTIFIED AS AN
11 ORGANIC FARMER UNDER TITLE 10, SUBTITLE 14 OF THIS ARTICLE, TO USE A
12 PRACTICE OR A PESTICIDE ON LAND THAT GROWS ORGANICALLY PRODUCED
13 COMMODITIES, IF THE PRACTICE OR THE PESTICIDE IS PROHIBITED BY:

14 (1) THE FEDERAL ORGANIC FOODS PRODUCTION ACT OF 1990; OR

15 (2) A REGULATION ADOPTED UNDER TITLE 10, SUBTITLE 14 OF THIS
16 ARTICLE.

17 10-1403.

18 (A) The Department may:

19 (1) Issue permits to producers, processors, or distributors who apply for
20 certification under the Department's organic commodity program;

21 (2) Establish requirements governing the production, processing, or
22 distribution of commodities that are certified by the Department as organically
23 produced;

24 (3) Adopt logos for organically produced commodities that are certified
25 by the Department; and

26 (4) Deny, suspend, or revoke the permit of any producer, processor, or
27 distributor who violates any regulations adopted by the Department under this
28 subtitle.

29 (B) THE DEPARTMENT MAY NOT REQUIRE A PRODUCER WHO IS CERTIFIED
30 UNDER THIS SUBTITLE TO USE A PRACTICE OR A PESTICIDE PROHIBITED BY THE
31 FEDERAL ORGANIC FOODS PRODUCTION ACT OF 1990.

32 10-1404.

33 (a) (1) A person may not represent any uncertified commodity as certified
34 under this subtitle.

35 (2) A PERSON WHO IS CERTIFIED UNDER THIS SUBTITLE MAY NOT USE A
36 PRACTICE OR A PESTICIDE PROHIBITED BY THE FEDERAL ORGANIC FOODS

1 PRODUCTION ACT OF 1990 ON LAND THAT GROWS ORGANICALLY PRODUCED
2 COMMODITIES.

3 (b) In addition to the denial, suspension, or revocation of a permit issued
4 under this subtitle, the Secretary may impose a civil penalty of not more than \$1,000
5 for a violation of this section.

6 (c) Each uncertified commodity represented as certified constitutes a separate
7 violation of this section.

8 (d) Penalties collected by the Secretary under this section shall be paid into
9 the General Fund of the State.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 1999.