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By: **Chairman, Environmental Matters Committee (Departmental -  
Agriculture)**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Organically Produced Commodities**

3 FOR the purpose of altering certain provisions relating to the organic certification  
4 program to comply with the regulatory requirements of the federal Organic Food  
5 Production Act; repealing certain fees and requiring the Secretary of Agriculture  
6 to set certain fees; making certain records confidential; and generally relating to  
7 a certification program governing organic agricultural commodities.

8 BY repealing and reenacting, with amendments,  
9 Article - Agriculture  
10 Section 10-1401, 10-1402, 10-1403, and 10-1406  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2001 Supplement)

13 BY adding to  
14 Article - Agriculture  
15 Section 10-1407  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2001 Supplement)

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

20 **Article - Agriculture**

21 10-1401.

22 The Department shall establish a certification program governing [organically  
23 produced commodities] THE PRODUCTION AND HANDLING OF ORGANIC  
24 AGRICULTURAL COMMODITIES.

1 10-1402.

2 The Department shall adopt regulations creating a program [under which  
3 products may be certified and labeled as organically produced commodities that are  
4 necessary to effectuate the purposes of this subtitle] **THAT MEETS THE REGULATORY**  
5 **REQUIREMENTS OF THE FEDERAL ORGANIC FOOD PRODUCTION ACT, 7 U.S.C. § 6501**  
6 **ET SEQ.**

7 10-1403.

8 The Department may:

9 (1) Issue permits to producers[, processors,] or [distributors]  
10 **HANDLERS** who apply for certification under the Department's organic [commodity]  
11 **CERTIFICATION** program;

12 (2) Establish requirements governing the production[, processing,] or  
13 [distribution] **HANDLING** of commodities that are certified by [the Department as  
14 organically produced] **A FEDERALLY ACCREDITED ORGANIC CERTIFYING BODY**;

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

17 (4) Deny, suspend, or revoke the permit **ISSUED BY THE DEPARTMENT** of  
18 any producer[, processor,] or [distributor] **HANDLER** who violates any regulations  
19 adopted [by the Department] under this subtitle.

20 10-1406.

21 [(a) (1) An applicant for initial certification as a producer under this subtitle  
22 shall pay to the Department a deposit of \$300 to be applied to costs of inspection and  
23 testing. The deposit includes an application fee of \$150.

24 (2) If an applicant for initial certification as a producer is rejected by the  
25 Department or withdraws the application, the deposit required in paragraph (1) of  
26 this subsection shall be refunded to the applicant by the Department, less the cost of  
27 administration, inspection, and testing conducted by the Department.

28 (3) The annual renewal fee for certification as a producer of organic  
29 commodities is \$100.

30 (b) The annual permit fee for a processor of organic commodities is \$100.

31 (c) The annual permit fee for a distributor or retailer of organic commodities  
32 is \$75.

33 (d) Permits and certifications under this subtitle expire 1 year from the date  
34 of issuance.

35 (e) The Secretary shall establish procedures for the issuance of permits and  
36 certifications under this subtitle.] **THE SECRETARY SHALL SET REASONABLE FEES**

1 FOR THE CERTIFICATION OF PRODUCERS AND HANDLERS TO PARTIALLY DEFRAID  
2 THE COST OF OPERATING THE ORGANIC CERTIFICATION PROGRAM.

3 10-1407.

4 EXCEPT AS PROVIDED BY REGULATIONS ADOPTED BY THE UNITED STATES  
5 DEPARTMENT OF AGRICULTURE PURSUANT TO THE FEDERAL ORGANIC FOOD  
6 PRODUCTION ACT, 7 U.S.C. § 6501 ET SEQ., THE RECORD CUSTODIAN SHALL DENY  
7 ACCESS TO ANY BUSINESS-RELATED INFORMATION CONCERNING ANY PERSON  
8 REGULATED UNDER THIS SUBTITLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2002.