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

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2002

CHAPTER _____

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 a certain ~~fees~~ fee; making certain records confidential; and generally
7 relating to 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:

1

Article - Agriculture

2 10-1401.

3 The Department shall establish a certification program governing [organically
4 produced commodities] ~~THE PRODUCTION AND HANDLING OF ORGANIC~~
5 ~~AGRICULTURAL COMMODITIES.~~

6 10-1402.

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

12 10-1403.

13 The Department may:

14 (1) ~~Issue permits to~~ CERTIFY producers[, processors,] or [distributors]
15 HANDLERS who apply for certification under the Department's organic [commodity]
16 CERTIFICATION program;

17 (2) Establish requirements governing the production[, processing,] or
18 [distribution] HANDLING of commodities that are certified by ~~the~~ THE Department
19 as organically produced] ~~A FEDERALLY ACCREDITED ORGANIC CERTIFYING BODY;~~

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

22 (4) Deny, suspend, or revoke the ~~permit~~ LOGO OR CERTIFICATION
23 ISSUED BY THE DEPARTMENT of any producer[, processor,] or [distributor]
24 HANDLER who violates any regulations adopted [by the Department] under this
25 subtitle.

26 10-1406.

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

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

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

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

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

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

5 (e) The Secretary shall establish procedures for the issuance of permits and
6 certifications under this subtitle.] ~~THE SECRETARY SHALL SET A REASONABLE FEES~~
7 ~~FOR THE CERTIFICATION OF PRODUCERS AND HANDLERS TO PARTIALLY DEFRAY~~
8 ~~THE COST OF OPERATING THE ORGANIC CERTIFICATION PROGRAM FEE, NOT TO~~
9 ~~EXCEED \$500, TO DEFRAY THE COST OF CONDUCTING FIELD INSPECTIONS AND~~
10 ~~LABORATORY ANALYSIS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF~~
11 ~~AGRICULTURE'S ORGANIC FOOD PROGRAM FOR ACCREDITED CERTIFYING AGENTS.~~

12 10-1407.

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

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