

SENATE BILL 77

M4

9lr0023

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)**

Requested: October 6, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2009

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – Organic Certification Program – Fees**

3 FOR the purpose of repealing a requirement that the Department of Agriculture adopt
4 certain regulations creating a certain Organic Certification Program that meets
5 the requirements of a certain federal law; requiring the Organic Certification
6 Program established by the Department to conform to a certain federal law;
7 eliminating the limit at which the Secretary of Agriculture is authorized to set a
8 certain fee; and generally relating to the Organic Certification Program within
9 the Department of Agriculture.

10 BY repealing and reenacting, with amendments,
11 Article – Agriculture
12 Section 10–1401, 10–1402, 10–1404, and 10–1406
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2008 Supplement)

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

17 **Article – Agriculture**

18 10–1401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 The Department shall establish [a certification program] **THE ORGANIC**
2 **CERTIFICATION PROGRAM** governing the production and handling of organic
3 agricultural commodities.

4 10–1402.

5 [The Department shall adopt regulations creating a program that meets] **THE**
6 **ORGANIC CERTIFICATION PROGRAM ESTABLISHED BY THE DEPARTMENT**
7 **SHALL CONFORM TO** the requirements of the federal Organic Food Production Act, 7
8 U.S.C. § 6501 et seq., **INCLUDING IMPLEMENTING FEDERAL REGULATIONS AND**
9 **ALL SUBSEQUENT AMENDMENTS AND REVISIONS.**

10 10–1404.

11 (a) A person may not represent any uncertified commodity as certified under
12 this subtitle.

13 (b) In addition to the denial, suspension, or revocation of a [permit]
14 **CERTIFICATE** issued under this subtitle, the Secretary may impose a civil penalty of
15 not more than \$1,000 for a violation of this section.

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

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

20 10–1406.

21 The Secretary shall set a reasonable fee[, not to exceed \$500,] to defray the cost
22 of conducting field inspections and laboratory analysis as required by the United
23 States Department of Agriculture’s Organic Food Program for accredited certifying
24 agents.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
26 October 1, 2009.