

CHAPTER 19

(Senate Bill 77)

AN ACT concerning

Department of Agriculture – Organic Certification Program – Fees

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

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–1401, 10–1402, 10–1404, and 10–1406

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

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

Article – Agriculture

10–1401.

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

10–1402.

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

10–1404.

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

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

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

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

10-1406.

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

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

Approved by the Governor, April 14, 2009.