

CS FOR HOUSE BILL NO. 432(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/12/02

Referred: Finance

Sponsor(s): REPRESENTATIVE HARRIS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the labeling of animal and poultry feeds and to the agriculture**
2 **program coordinator; relating to the sale, offer for sale, representation, and labeling of**
3 **food or other agricultural products as organic; relating to the state organic certification**
4 **program; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 03.05.010(a) is amended by adding a new paragraph to read:

7 (7) adopt regulations under AS 44.62 (Administrative Procedure Act)
8 establishing requirements for the labeling of animal and poultry feeds that are
9 compatible with federal law.

10 * **Sec. 2.** AS 03.58.010 is repealed and reenacted to read:

11 **Sec. 03.58.010. Prohibition.** A person may not sell, offer for sale, represent,
12 or label a raw or processed agricultural product, including ingredients, as "organic"
13 unless the product has been produced, handled, and certified under 7 U.S.C. 6501 -
14 6522, as amended, or under the state organic certification program established under

1 AS 03.58.015.

2 * **Sec. 3.** AS 03.58 is amended by adding a new section to read:

3 **Sec. 03.58.015. State organic certification program.** (a) The department
4 may establish a state organic certification program for producers and handlers of
5 agricultural products within the state that meets the requirements for approval under 7
6 U.S.C. 6501 - 6522, as amended.

7 (b) The department may apply under 7 U.S.C. 6514, as amended, for
8 accreditation as a certifying agent under 7 U.S.C. 6501 - 6522, as amended.

9 * **Sec. 4.** AS 03.58.050 is amended to read:

10 **Sec. 03.58.050. Regulations.** The department may adopt regulations under
11 AS 44.62 (Administrative Procedure Act) **to carry out this chapter**, including
12 **regulations to establish reasonable fees for services provided by the department**
13 [A REGULATION THAT LISTS AND PERIODICALLY UPDATES
14 SUBSTANCES UNDER AS 03.58.010(a)].

15 * **Sec. 5.** AS 03.58.060(b) is amended to read:

16 (b) If a person violates this chapter **or** [,] a regulation adopted under this
17 chapter, [OR AN ORDER ISSUED UNDER (a) OF THIS SECTION,] the person is
18 **liable to the state for**

19 (1) [LIABLE TO THE STATE FOR] a civil fine **established by the**
20 **department by regulation** [THAT DOES NOT EXCEED THE TOTAL OF \$1,000]
21 plus the state's estimated costs of investigating and taking appropriate administrative
22 and enforcement actions for the violation, **including attorney fees**;

23 (2) [LIABLE TO THE STATE FOR] an additional civil penalty of
24 three times the value of the product knowingly sold in violation of this chapter.

25 * **Sec. 6.** AS 03.58.060(c) is amended to read:

26 (c) The provisions of this section are in addition to the remedies available
27 under AS 45.50.471 - 45.50.561 **and federal statute and regulation**.

28 * **Sec. 7.** AS 03.58 is amended by adding a new section to read:

29 **Sec. 03.58.065. Applicability.** This chapter does not apply to meat, fish, or
30 poultry.

31 * **Sec. 8.** AS 03.60 is amended by adding a new section to read:

1 **Sec. 03.60.006. Agriculture program coordinator.** The commissioner shall
 2 appoint an agriculture program coordinator. The agriculture program coordinator is in
 3 the classified service. The coordinator has the following responsibilities:

4 (1) to carry out the provisions of AS 03.58 (organic foods);

5 (2) to facilitate and monitor the production and sale of organic foods in
 6 the state;

7 (3) to seek funding through grants and cooperative efforts with other
 8 agencies for organic foods programs and weed management programs in the state;

9 (4) to control and eradicate the spread of obnoxious weeds as required
 10 under AS 44.37.030(5);

11 (5) to exercise the powers under AS 03.05.010 that relate to the
 12 management of noxious or invasive plant species;

13 (6) to develop and distribute educational materials focused on
 14 increasing public awareness of problems associated with noxious or invasive plant
 15 species and to help control those species;

16 (7) to collect and maintain data on noxious and invasive plant species
 17 and to coordinate state, federal, local, and private management efforts;

18 (8) to assist in developing and supporting plant management areas and
 19 chemical and integrated pest management programs to control noxious and invasive
 20 plant species; and

21 (9) to enforce the requirements for labeling animal and poultry feeds
 22 adopted under AS 03.05.010(a)(7).

23 * **Sec. 9.** AS 03.58.030(b) and AS 03.58.070 are repealed.

24 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
 25 read:

26 TRANSITION: REGULATIONS. The Department of Natural Resources may
 27 proceed to adopt regulations to implement the changes made by secs. 2 - 7 and 9 of this Act.
 28 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
 29 effective date of secs. 2 - 7 and 9 of this Act.

30 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the
2 heading of AS 03.58 from "Sale of Organic Foods" to "Organic Food and Agricultural
3 Products."

4 * **Sec. 12.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

5 * **Sec. 13.** Sections 1 and 8 of this Act take effect July 1, 2002.