

SENATE BILL NO. 184

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS OGAN, Ellis, Dyson, Wagoner, Green

Introduced: 4/11/03

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

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

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

5 * **Section 1.** AS 03.58.010 is repealed and reenacted to read:

6 **Sec. 03.58.010. Prohibition.** A person may not sell, offer for sale, represent,
7 or label a raw or processed agricultural product, including ingredients, as "organic"
8 unless the product has been produced, handled, and certified under 7 U.S.C. 6501 -
9 6522, as amended, or under the state organic certification program established under
10 AS 03.58.015.

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

12 **Sec. 03.58.015. State organic certification program.** (a) The department
13 may establish a state organic certification program for producers and handlers of
14 agricultural products within the state that meets the requirements for approval under 7

1 U.S.C. 6501 - 6522, as amended.

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

4 * **Sec. 3.** AS 03.58.050 is amended to read:

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

10 * **Sec. 4.** AS 03.58.060(b) is amended to read:

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

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

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

20 * **Sec. 5.** AS 03.58.060(c) is amended to read:

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

23 * **Sec. 6.** AS 03.58 is amended by adding a new section to read:

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

26 * **Sec. 7.** AS 03.58.030(b) and 03.58.070 are repealed.

27 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 TRANSITION: REGULATIONS. The Department of Natural Resources may
30 proceed to adopt regulations to implement the changes made by this Act. The regulations
31 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date

1 of secs. 1 - 7 of this Act.

2 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

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

7 * **Sec. 10.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).