

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 209

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the sale of organic and natural  
7 foods."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. LEGISLATIVE PURPOSE. The purpose of this Act is to pro-  
10 tect the consumer and producer of organic and natural foods, and to facili-  
11 tate the production and marketing of these foods by adopting uniform stan-  
12 dards relating to the use of the terms "organic," "natural," and their  
13 derivatives.

14 \* Sec. 2. AS 03 is amended by adding a new chapter to read:

15 CHAPTER 58. SALE OF ORGANIC AND NATURAL FOODS.

16 Sec. 03.58.010. PROHIBITION. (a) A person may not sell or  
17 offer for sale food represented as organic or natural food if the  
18 person knows or has reason to know that the food has been grown,  
19 raised, or produced with the use of

20 (1) a fertilizer, except for manure and other natural  
21 fertilizers;

22 (2) a manufactured pesticide, hormone, antibiotic, or  
23 growth stimulant, except for *Bacillus thuringensis* and other natural  
24 pesticides;

25 (3) a substance listed by the department under AS 03.58.050  
26 that is similar to a substance that is restricted with regard to  
27 organic food under (1) or (2) of this subsection.

28 (b) In (a) of this section, "with the use of" means

29 (1) applied to the food before a retail sale;

1 (2) fed to the animal producing the food;

2 (3) unless the substance applied is a pesticide, applied to  
3 the soil or other growing medium within one year before seed planting  
4 or transplanting, or, if the crops are perennial, before the appear-  
5 ance of the flower bud; or

6 (4) in the case of pesticides, applied to the soil or other  
7 growing medium within two years before seed planting or transplanting,  
8 or, if the crops are perennial, before the appearance of the flower  
9 bud.

10 Sec. 03.58.020. DISCLOSURE. (a) Except as provided in (b) of  
11 this section, a person may not sell food represented as organic or  
12 natural food unless the name and address of the producer of the food  
13 are displayed with the food. If the food is not displayed at the  
14 purchase site, a written statement with the name and address of the  
15 producer must be given to the purchaser unless the name and address  
16 are identified on a package containing the purchased food. This  
17 subsection does not apply to a sale for consumption on the premises.

18 (b) Advertising for the mail order sale of food represented as  
19 organic or natural food must include the name and address of the  
20 producer of the food.

21 Sec. 03.58.030. SWORN STATEMENT OF COMPLIANCE. (a) A producer  
22 may not sell to a vendor food represented as organic or natural food  
23 unless before the sale the producer provides the vendor with a sworn  
24 statement that the producer has grown, raised, or otherwise produced  
25 the food in compliance with AS 03.58.010. If a producer sells the  
26 food to the same vendor more than one time during a calendar year, one  
27 statement for the calendar year is sufficient to comply with this  
28 section.

29 (b) In this section, "vendor" means a person who sells food

1 represented as organic or natural food to another person for resale or  
2 to a consumer.

3 Sec. 03.58.040. RECORDS. A person who sells food represented as  
4 organic or natural food shall maintain the records relating to this  
5 chapter that the department reasonably requires and shall furnish them  
6 to the department when requested by the department.

7 Sec. 03.58.050. REGULATIONS. The department may adopt regula-  
8 tions under AS 44.62 (Administrative Procedure Act) that the depart-  
9 ment determines are appropriate for the proper administration of this  
10 chapter, including a regulation that lists and periodically updates  
11 substances under AS 03.58.010(a).

12 Sec. 03.58.060. ORDERS. If the department determines that a  
13 person is violating a provision of this chapter, or a regulation  
14 adopted under this chapter, the department shall order the person to  
15 stop the violation and to refrain from future violations.

16 Sec. 03.58.070. PENALTIES. If a person violates this chapter, a  
17 regulation adopted under this chapter, or an order issued under AS 03.  
18 58.060, the person is

19 (1) liable to the state for a civil fine that does not  
20 exceed the total of \$1,000 plus the state's estimated costs of inves-  
21 tigating and taking appropriate administrative and enforcement actions  
22 for the violation;

23 (2) guilty of a class A misdemeanor.

24 Sec. 03.58.080. DEFINITIONS. In this chapter,

25 (1) "department" means the Department of Environmental  
26 Conservation when the food is meat, fish, poultry, or processed, and  
27 the Department of Natural Resources when the food is not meat, fish,  
28 poultry, or processed;

29 (2) "food represented as organic or natural food" means

1 food, including fish, vegetables, fruit, meat, dairy products, and  
2 beverages, that is marketed using the term "organic," "natural," or a  
3 derivative of those terms in the labeling or advertising;

4 (3) "producer" means a person who grows, raises, or pro-  
5 duces food.