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Referred: Rules

6-0886E

Original sponsor: Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 209 (Resources)
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), including a
9 regulation that lists and periodically updates substances under
10 AS 03.58.010(a).

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

15 Sec. 03.58.070. PENALTIES. If a person violates this chapter, a
16 regulation adopted under this chapter, or an order issued under
17 AS 03.58.060, the person is

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

22 (2) guilty of a class A misdemeanor.

23 Sec. 03.58.080. DEFINITIONS. In this chapter,

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

28 (2) "food represented as organic or natural food" means
29 food, including fish, vegetables, fruit, meat, dairy products, and

1 beverages, that is marketed using the term "organic," "natural," or a
2 derivative of those terms in the labeling or advertising;
3 (3) "producer" means a person who grows, raises, or pro-
4 duces food.