

Offered: 4/28/89  
Referred: Rules

6-0886J

Original sponsors: Kerttula and Rodey

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 HOUSE CS FOR 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 foods."

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

8 \* Section 1. LEGISLATIVE PURPOSE. The purpose of this Act is to pro-  
9 tect the consumer and producer of organic foods, and to facilitate the  
10 production and marketing of these foods by adopting uniform standards  
11 relating to the use of the term "organic" and its derivatives.

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

13 CHAPTER 58. SALE OF ORGANIC FOODS.

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

18 (1) a fertilizer, except for manure and other natural  
19 fertilizers;

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

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

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

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

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

29 (3) unless the substance applied is a pesticide, applied to

1 the soil or other growing medium within one year before seed planting  
2 or transplanting, or, if the crops are perennial, before the appear-  
3 ance of the flower bud; or

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

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

16 (b) Advertising for the mail order sale of food represented as  
17 organic food must include the name and address of the producer of the  
18 food.

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

26 (b) In this section, "vendor" means a person who sells food  
27 represented as organic food to another person for resale or to a  
28 consumer.

29 Sec. 03.58.040. RECORDS. A person who sells food represented as

1 organic food shall maintain the records relating to this chapter that  
2 the department reasonably requires and shall furnish them to the  
3 department when requested by the department.

4 Sec. 03.58.050. REGULATIONS. The department may adopt regula-  
5 tions under AS 44.62 (Administrative Procedure Act), including a  
6 regulation that lists and periodically updates substances under  
7 AS 03.58.010(a).

8 Sec. 03.58.060. ENFORCEMENT. (a) If the department determines  
9 that a person is violating a provision of this chapter, or a regu-  
10 lation adopted under this chapter, the department shall order the  
11 person to stop the violation and to refrain from future violations.

12 (b) If a person violates this chapter, a regulation adopted  
13 under this chapter, or an order issued under (a) of this section, the  
14 person is

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

19 (2) guilty of a class A misdemeanor.

20 (c) The provisions of this section are in addition to the rem-  
21 edies available under AS 45.50.471 - 45.50.561.

22 Sec. 03.58.070. DEFINITIONS. In this chapter,

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

27 (2) "food represented as organic food" means food, includ-  
28 ing fish, vegetables, fruit, meat, dairy products, and beverages, that  
29 is marketed using the term "organic" or a derivative of that term in

- 1 the labeling or advertising;
- 2 (3) "producer" means a person who grows, raises, or pro-
- 3 duces food.