

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2385
(Senators Taylor, Fairfield, Klein)
(Representatives DeKrey, Gulleson, Kerzman)

AN ACT to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic food standards; to amend and reenact section 4-38-02 of the North Dakota Century Code, relating to certifying agents; to repeal sections 4-38-01, 4-38-03, 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code, relating to organic food standards; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-38-02 of the North Dakota Century Code is amended and reenacted as follows:

4-38-02. Definitions. As used in this chapter, unless the context otherwise requires:

1. ~~"Certifying agent" means a person or persons registered with the North Dakota agriculture commissioner who have demonstrated to the North Dakota agriculture commissioner that they have the staff and expertise to carry out the requirements of certification as outlined in this chapter~~ accredited by the United States department of agriculture as an organic certifying agent under 7 CFR part 205.
2. ~~"Organic food" means any food product, including meat, dairy, or a beverage, that is marketed or sold using the term or a derivative of the term organic food in the labeling or advertising of the product.~~
3. ~~"Pesticides" means synthetic herbicides, insecticides, and fungicides, and all other toxic materials. The term does not include material from naturally derived substances.~~
4. ~~"Synthetic fertilizer" means all nitrogen sources derived from ammonia; phosphorus derived from the acid treatment of rock phosphates; refined or highly soluble potassium salts, whether manufactured or mined; and all other chemically refined, synthesized, or acid treated material.~~
5. ~~"Vendor" means any person who sells organic food to a consumer or another vendor, or who processes, manufactures, or otherwise transforms an organic food on behalf of a seller of organic food.~~
6. ~~"Verification" means a system maintained by the vendor of organic foods that demonstrates compliance to standards under which product identity may be traced from farm to consumer, using a series of documents that record information about the vendor's production and processing techniques, including records documenting inspection visits by a certifying agent, records documenting inventory, and records documenting adherence to standards. "Commissioner" means the agriculture commissioner.~~

SECTION 2. A new section to chapter 4-38 of the North Dakota Century Code is created and enacted as follows:

Certifying agent - Registration. Before a person may act as a certifying agent in this state, the person must register with the commissioner on a form prescribed by the commissioner. The form must include:

1. The name of the certifying agent;
2. The name of all partners if the certifying agent is a partnership and all officers if the certifying agent is a corporation;
3. A copy of the certifying agent's program requirements;
4. A copy of all documents relating to the certifying agent's certification process;
5. A copy of the certifying agent's letter of authorization or certificate of accreditation issued by the national organic program; and
6. Any other information requested by the commissioner.

SECTION 3. A new section to chapter 4-38 of the North Dakota Century Code is created and enacted as follows:

Penalty. A person that violates this chapter is guilty of a class B misdemeanor.

SECTION 4. REPEAL. Sections 4-38-01, 4-38-03, 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code are repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2385.

Senate Vote: Yeas 44 Nays 0 Absent 3

House Vote: Yeas 92 Nays 0 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State