

Introduced by

Senators Taylor, Fairfield, Klein

Representatives DeKrey, Gulleson, Kerzman

1 A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota  
2 Century Code, relating to organic food standards; to amend and reenact section 4-38-02 of the  
3 North Dakota Century Code, relating to certifying agents; to repeal sections 4-38-01, 4-38-03,  
4 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code, relating to organic food  
5 standards; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

9 **4-38-02. Definitions.** As used in this chapter, unless the context otherwise requires:

- 10 1. "Certifying agent" means a person ~~or persons registered with the North Dakota~~  
11 ~~agriculture commissioner who have demonstrated to the North Dakota agriculture~~  
12 ~~commissioner that they have the staff and expertise to carry out the requirements~~  
13 ~~of certification as outlined in this chapter~~ accredited by the United States  
14 department of agriculture as an organic certifying agent under 7 CFR part 205.
- 15 2. "Organic food" means any food product, including meat, dairy, or a beverage, that  
16 is marketed or sold using the term or a derivative of the term organic food in the  
17 labeling or advertising of the product.
- 18 3. "Pesticides" means synthetic herbicides, insecticides, and fungicides, and all other  
19 toxic materials. ~~The term does not include material from naturally derived~~  
20 ~~substances.~~
- 21 4. "Synthetic fertilizer" means all nitrogen sources derived from ammonia;  
22 phosphorus derived from the acid treatment of rock phosphates; refined or highly  
23 soluble potassium salts, whether manufactured or mined; and all other chemically  
24 refined, synthesized, or acid treated material.

- 1           5. ~~"Vendor" means any person who sells organic food to a consumer or another~~  
2           ~~vendor, or who processes, manufactures, or otherwise transforms an organic food~~  
3           ~~on behalf of a seller of organic food.~~
- 4           6. ~~"Verification" means a system maintained by the vendor of organic foods that~~  
5           ~~demonstrates compliance to standards under which product identity may be traced~~  
6           ~~from farm to consumer, using a series of documents that record information about~~  
7           ~~the vendor's production and processing techniques, including records documenting~~  
8           ~~inspection visits by a certifying agent, records documenting inventory, and records~~  
9           ~~documenting adherence to standards. "Commissioner" means the agriculture~~  
10           ~~commissioner.~~

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

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

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

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

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

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