

Senate Bill 361

By: Senators Ragan of the 11th, Smith of the 25th, James of the 35th, Seabaugh of the 28th and Blich of the 7th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 21 of Title 2 of the Official Code of Georgia Annotated, known as the
2 "Georgia Organic Certification and Labeling Act," so as to provide that no person who
3 produces, processes, distributes, or handles an advertised, promoted, identified, tagged,
4 stamped, packaged, or labeled organic food or feed ingredient, article, commodity, or product
5 may substitute or commingle any ingredient, article, commodity, or product which does not
6 comply with Code Section 2-21-3; to repeal the requirement that certain organic food or feed
7 ingredients bear the official seal of the certifying entity; to require the registration of persons
8 who produce, process, distribute, or handle in this state any food or feed ingredient, article,
9 commodity, or product labeled as organic; to provide for exceptions; to require the
10 registration of any organization, business, firm, or individual acting as a certifying entity in
11 this state; to provide for terms and conditions of registration; to provide for fees; to provide
12 for classifications; to provide for practices and procedures; to repeal conflicting laws; and
13 for other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

15 **SECTION 1.**

16 Chapter 21 of Title 2 of the Official Code of Georgia Annotated, known as the "Georgia
17 Organic Certification and Labeling Act," is amended by striking Code Section 2-21-4,
18 relating to packaging and labeling, and inserting in its place the following:

19 "2-21-4.

20 (a) No person may use the words 'certified organic by' in the identification, advertising,
21 promotion, packaging, or labeling of a food or feed ingredient, article, commodity, or
22 product unless that ingredient, article, commodity, or product complies with the
23 requirements of Code Section 2-21-3 and unless the producer, distributor, or processor has
24 a certification in good standing from the department.

25 (b) No person who produces, processes, distributes, or ~~transports~~ handles an advertised,
26 promoted, identified, tagged, stamped, packaged, or labeled organic food or feed

1 ingredient, article, commodity, or product may substitute or commingle any ingredient,
2 article, commodity, or product which does not comply with Code Section 2-21-3.

3 (c) Any fresh, wholesale or retail organic food or feed ingredient, article, commodity, or
4 product shall be tagged, stamped, labeled, crated, bagged, packaged, or be in any other
5 standardized form which complies with state and federal regulations pertaining to
6 inspection, identity, contents, weight, measure, and grade ~~and must bear the official seal
7 of the certifying entity which provides certification of the organic production, distribution,
8 or processing practices for such organic food or feed ingredient, article, commodity, or
9 product.~~

10 (d) Any food or feed ingredient, article, commodity, or product labeled as organic must
11 be certified by the department or a department approved certifying entity as meeting the
12 requirements of this chapter prior to being sold in the State of Georgia after July 1, 2000.

13 (e) On and after January 1, 2003, no person shall produce, process, distribute, or handle
14 in this state any advertised, promoted, identified, tagged, stamped, packaged, or labeled
15 organic food or feed ingredient, article, commodity, or product unless such person has first
16 registered with the department; provided, however, that retail food sales establishments
17 licensed under Article 2 of this chapter that do not process or repackage certified organic
18 commodities shall be exempt from registration provisions set forth in this chapter. On and
19 after January 1, 2003, no organization, business, firm, or individual shall act as a certifying
20 entity in this state unless such organization, business, firm, or individual has first registered
21 with the department. The Commissioner shall establish by regulation registration standards
22 for producers, processors, distributors, handlers, and certifying entities not inconsistent
23 with this chapter. Registration shall be made upon forms prescribed and furnished by the
24 department. Registrations shall expire on the last day of December of the year for which
25 they are issued. The Commissioner shall establish by rule a registration fee for certifying
26 entities in an amount of not less than \$25.00 nor more than \$500.00 per annum and may
27 establish classes of certifying entities with different registration fees for each class."

28 SECTION 2.

29 All laws and parts of laws in conflict with this Act are repealed.