

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 3.1-385.5 and 3.1-385.8 of the Code of Virginia, relating to the certification of organically produced foods.*

[H 2729]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.1-385.5 and 3.1-385.8 of the Code of Virginia are amended and reenacted as follows:**

**§ 3.1-385.5. Certification.**

A. It shall be unlawful for any person to sell any food or agricultural product that is labeled or represented in connection with a commercial transaction to be organic unless that food or agricultural product has been certified to be organic by a third party independent of the seller. Any food or agricultural product may be certified to be organic by the Commissioner or any private person who submits his standards for such certification to the Commissioner for review, and such standards have been approved by the Commissioner in writing. All such standards shall incorporate the provisions of this article authorized under the federal Organic Food Production Act. Any private certifying person may adopt additional standards that are stricter than those set forth in this article, as long as any stricter standards do not conflict, in the opinion of the Commissioner, with the provisions of this article. The Commissioner shall approve any such standards submitted to him if such standards incorporate the provisions of this article.

B. The Commissioner shall approve any proposed standards which have been revised pursuant to his request, if in his judgment such standards incorporate the provisions of this article.

C. The certificate to be issued shall state the facts and circumstances regarding the farming practices, land characteristics and other relevant information which indicate compliance with the certification standards.

D. C. Neither the Commissioner, the Department of Agriculture and Consumer Services, the employees of the Department of Agriculture and Consumer Services, nor the Commonwealth of Virginia shall be liable to any person who has been injured in any manner as a result of or in connection with any certification or failure to certify any food or agricultural product.

**§ 3.1-385.8. Regulations.**

The Board of Agriculture and Consumer Services may promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), as are necessary to effectuate the purposes of this article. If the United States Congress hereafter enacts a law defining the term "organic" with respect to food or agricultural products or if an agency of the United States government by rule, regulation, or formal policy defines the term "organic" or adopts standards governing the use of the term "organic" in commercial transactions involving food or agricultural products, the Board may shall adopt rules or regulations to conform the system established pursuant to the provisions of this article to the federal law, rule, regulation, or policy.

**2. That the provisions of the first enactment clause of this act shall become effective on June 1, 2002.**

**3. That the Department of Agriculture and Consumer Services shall study the feasibility and appropriateness of becoming a certifying agent under the federal Organic Foods Production Act of 1990 for organically produced foods in Virginia and report its findings to the Governor and the General Assembly on or before December 1, 2001.**

ENROLLED

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