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## SENATE BILL NO. 1582

Offered January 20, 2017

A BILL to amend the Code of Virginia by adding in Chapter 43 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4328 through 3.2-4331, relating to the Virginia Farm Pride Beef label.

Patron—Vogel

Referred to Committee on Agriculture, Conservation and Natural Resources

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

**1. That the Code of Virginia is amended by adding in Chapter 43 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4328 through 3.2-4331, as follows:**

*Article 4.**Virginia Farm Pride Beef Label.***§ 3.2-4328. Definitions.**

As used in this article, unless the context requires a different meaning:

"Certifying agent" means any entity accredited by the U.S. Secretary of Agriculture as a certifying agent for the purpose of certifying a production or handling operation as using a system of organic production.

"Director" means the Director of the Division of Marketing of the Department.

"Division" means the Division of Marketing of the Department.

**§ 3.2-4329. Regulations.**

The Department shall adopt appropriate regulations for the administration of the Virginia Farm Pride Beef Label program pursuant to the provisions of this article.

**§ 3.2-4330. Use of Virginia Farm Pride Beef Label to designate certified products.**

A. The Director, with the approval of the Commissioner, may use an outline of Virginia impressed upon the labels, tags, seals, or containers of any beef product that has been certified as Virginia Farm Pride Beef indicating that the product is of such quality and description as shown on the label, tag, seal, or container. Such outline map when made use of pursuant to the provisions of this article shall be known as the "Virginia Farm Pride Beef Label." The Division may prepare labels, tags, and seals impressed with the Virginia Farm Pride Beef Label. The Division may furnish the labels, tags, and seals at reasonable prices to any producer, processor, packer, or dresser whose product has received Virginia Farm Pride Beef certification pursuant to § 3.2-4331. The Director may adopt regulations that permit any producer, processor, packer, or dresser to make or prepare, or to cause to be made or prepared, the labels, tags, or seals to be placed on his own product or to print, stamp, or otherwise place or cause to be placed the Virginia Farm Pride Beef Label upon such products or containers that have been certified, so long as the Director, with the approval of the Commissioner, determines the design of the label, tag, seal, stamp, or other device.

B. Any circuit court in the Commonwealth shall have jurisdiction to enjoin the use of the Virginia Farm Pride Beef Label or any imitation or counterfeit likeness used in violation of this article. The Director, with the approval of the Commissioner, may apply for and an appropriate court may grant a temporary or permanent injunction restraining any person from using the labels described in subsection A.

**§ 3.2-4331. Certification of Virginia Farm Pride Beef.**

A. A person seeking to receive or maintain Virginia Farm Pride Beef certification pursuant to the provisions of this article shall establish, implement, and update annually a Virginia Farm Pride Beef production or handling system plan that is submitted to a certifying agent; permit on-site inspections with complete access to the production or handling operation, including noncertified production and handling areas, structures, and offices, by the certifying agent; maintain all records applicable to the Virginia Farm Pride Beef operation for not less than five years beyond their creation and allow authorized representatives of the Director and the certifying agent access to such records during normal business hours for review and copying to determine compliance with the provisions of this article; submit the applicable fees charged by the certifying agent; and immediately notify the certifying agent concerning any change in a certified operation or any portion of a certified operation that may affect its compliance with the provisions of this article or applicable regulations.

B. To have a product certified as "Virginia Farm Pride Beef," a producer shall comply with the federal organic production and handling requirements for beef cattle located at 7 C.F.R. Part 205, except that the producer shall not be required to comply with the livestock health care practice standard

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**59** *related to antibiotics (7 C.F.R. 205.238(c)(1)).*