

AMENDED IN SENATE APRIL 19, 2005

SENATE BILL

No. 730

Introduced by Senator Speier

February 22, 2005

An act to add Section 110827 to the Health and Safety Code, relating to organic products.

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as amended, Speier. Organic products: aquaculture products.

The California Organic Products Act of 2003 regulates the production of products sold, labeled, or represented as organic. ~~Existing law~~ *The act* requires producers, handlers, and processors of organic products to pay a registration fee to the State Department of Health Services based on gross sales of product sold as organic in the calendar year that precedes the date of registration. *The act makes it a crime for any person to sell, offer for sale, advertise, or label any product in violation of the act.*

~~This bill would prohibit aquaculture products sold, labeled, or represented as organic from containing chemicals known to the state to cause cancer or reproductive toxicity~~ *any aquaculture, fish, or seafood product from being labeled or represented as "organic" until formal organic certification standards have been developed and implemented by the United States Department of Agriculture's National Organic Program or by the California Department of Food and Agriculture.* Because a violation of this prohibition would be a crime under existing provisions of law, this bill would impose a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) It is the Legislature’s intent in enacting this act to prevent*
4 *consumers from being misled by the organic label on certain fish*
5 *and seafood.*

6 *(b) There are currently no standards in place for what organic*
7 *seafood must mean and, at this time, any seafood can be claimed*
8 *as organic. This is a serious deviation from what consumers*
9 *expect from other organic food that meets strict federal*
10 *standards for organic production and is verified by an organic*
11 *certifier. In fact, seafood contaminated with mercury and*
12 *polychlorinated biphenyls and labeled with Proposition 65*
13 *warnings regarding chemicals known to the state to cause cancer*
14 *or reproductive toxicity can also carry the organic label.*

15 *(c) While the United States Department of Agriculture is in the*
16 *process of establishing organic standards for seafood, the federal*
17 *department has refused to prohibit the organic label on fish.*

18 *(d) This act will protect organic farmers, certifiers, and*
19 *consumers by prohibiting substandard organic food from being*
20 *sold in the marketplace.*

21 *SEC. 2. Section 110827 is added to the Health and Safety*
22 *Code, to read:*

23 *110827. No aquaculture, fish, or seafood product, including,*
24 *but not limited to, farmed and wild caught species, shall be*
25 *labeled or represented as “organic” until formal organic*
26 *certification standards have been developed and implemented by*
27 *the United States Department of Agriculture’s National Organic*
28 *Program or the California Department of Food and Agriculture.*

29 ~~*SECTION 1. Section 110827 is added to the Health and*~~
30 ~~*Safety Code, to read:*~~

1 ~~110827. Aquaculture products sold, labeled, or represented as~~
2 ~~organic shall not contain chemicals known to the state to cause~~
3 ~~cancer or reproductive toxicity. For purposes of this section,~~
4 ~~aquaculture products include wild-caught and farm-raised fish~~
5 ~~and shellfish and processed fish and shellfish products.~~

6 ~~SEC. 2.~~

7 *SEC. 3.* No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the
12 penalty for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition of a
14 crime within the meaning of Section 6 of Article XIII B of the
15 California Constitution.

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