

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1625

Introduced by Assembly Member Allen
(Principal coauthor: Assembly Member Ma)
(Coauthor: Assembly Member Huffman)

February 9, 2012

An act to add Chapter 10.1 (commencing with Section 46100) to Division 17 of the Food and Agricultural Code, relating to organic foods.

LEGISLATIVE COUNSEL'S DIGEST

AB 1625, as amended, Allen. Transition to Organics Act.

Existing law prohibits a food from being sold as organic unless it meets certain criteria, and accurate and specific records are kept detailing its production, handling, and sale.

This bill would enact the California Transition to Organics Act of 2012. The bill would establish the Transition to Organics Fund in the State Treasury, which would consist of moneys from ~~federal, industry,~~ *industry* and citizen sources. The bill would limit the expenditure of moneys from the fund to providing financial assistance to persons who transition their ~~uncertified~~ *conventional* farms to certified organic farms, and to covering administrative and operational expenses incurred in administering the act, as specified. The fund would be administered by the Secretary of Food and Agriculture, as provided, and the secretary would be authorized to adopt regulations to carry out the provisions of the act. The bill would also authorize the secretary to levy a civil penalty, as provided, upon a person who renders or furnishes false information to the secretary under the act.

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

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

SECTION 1. Chapter 10.1 (commencing with Section 46100)
is added to Division 17 of the Food and Agricultural Code, to read:

CHAPTER 10.1. TRANSITION TO ORGANICS ACT

46100. This chapter shall be known and may be cited as the
“California Transition to Organics Act of 2012.”

46101. This act shall be interpreted in conjunction with the
National Organic Program (7 U.S.C. Sec. 6501 et seq.), the
California Organic Products Act of 2003 (Chapter 10 (commencing
with Section 46000) of this code, and Article 7 (commencing with
Section 110810) of Chapter 5 of Part 5 of Division 104 of the
Health and Safety Code), and the regulations adopted pursuant to
the National Organic Program and the California Organic Products
Act of 2003.

46102. For purposes of this chapter, the following definitions
apply:

(a) “Act” means this chapter.

(b) ~~“Uncertified”~~ “Conventional farm” means any farm, or
portion of a farm, that is not a certified organic farm, and has
submitted a pesticide use report for that farm pursuant to Section
12979, prior to January 1, 2013.

(c) “Person” means an individual, group of individuals,
corporation, association, organization, cooperative, or other entity.

46103. The Transition to Organics Fund is hereby created in
the State Treasury. Transfers to the Transition to Organics Fund
shall be deposited in the State Treasury, or in a state depository
bank approved by the State Treasurer. These funds shall be
available upon appropriation by the Legislature.

46104. The Transition to Organics Fund shall consist of moneys
deposited into the fund from ~~federal, industry,~~ *industry* and citizen
sources. No moneys from the General Fund shall be deposited into
the Transition to Organics Fund.

1 46105. The Transition to Organics Fund shall be administered
2 by the secretary. The secretary may adopt regulations as needed
3 to carry out the provisions of this act.

4 46106. Expenditure of funds by the secretary pursuant to this
5 act shall be limited to the following:

6 (a) Providing financial assistance to persons who are
7 transitioning their farms from ~~uncertified conventional~~ farms to
8 certified organic farms pursuant to the following procedure:

9 (1) Upon obtaining organic certification on or after January 1,
10 2013, to sell organically produced products, for the first year of
11 the organic certification, a person transitioning ~~an uncertified a~~
12 *conventional* farm to a certified organic farm may apply for and
13 receive a reimbursement of 25 percent of the costs associated with
14 obtaining organic certification for that farm, including inspection
15 fees, application fees, and annual fees.

16 (2) The maximum amount of payment made for any farm
17 transitioning from ~~an uncertified a conventional~~ farm to a certified
18 organic farm shall be two hundred fifty dollars (\$250). The
19 maximum total payments made to a person per year shall be one
20 thousand dollars (\$1,000). Reimbursement shall be made on a
21 first-come-first-served basis, and shall be contingent upon sufficient
22 funds being available in the Transition to Organics Fund.

23 (b) Administrative and operational expenses incurred by the
24 secretary in the administration of this act, provided that sufficient
25 moneys are available to cover these expenses, as determined
26 annually by the Director of Finance.

27 46107. The secretary may administer the disbursement of
28 moneys from the Transition to Organics Fund in coordination with
29 the procedures associated with the national organic certification
30 cost-share program authorized under Section 6523 of Title 7 of
31 the United States Code.

32 46108. The secretary shall receive and accept on behalf of the
33 Transition to Organics Fund, any contribution of money from any
34 person, or any agency of this state ~~or the United States~~ to the
35 Transition to Organics Fund, and shall deposit those contributions
36 in the Transition to Organics Fund.

37 46109. Persons seeking moneys from the Transition to Organics
38 Fund shall be solely responsible for the accuracy and truthfulness
39 of the information provided in the application for assistance,
40 including, but not limited to, a description of the qualifying

1 property, prior land use, and certification costs. A civil penalty
2 may be levied by the secretary, utilizing the provisions and
3 procedures described in Section 46017, upon a person who renders
4 or furnishes false information to the secretary under this act.
5 46110. The secretary shall keep records of the contributions
6 to, and disbursements from, the Transition to Organics Fund. These
7 records shall be publicly available upon request. These records
8 shall be made available annually to the California Organic Products
9 Advisory Committee established pursuant to Section 46003.