

## Senate Bill No. 982

### CHAPTER 224

An act to add Section 75603 to the Food and Agricultural Code, relating to agriculture.

[Approved by Governor August 29, 2022. Filed with Secretary of State August 29, 2022.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 982, Laird. California Apple Commission: organic apple certification program.

Existing law provides that there is in state government the California Apple Commission. Existing law vests the commission with certain powers and duties, including to recommend to the Secretary of Food and Agriculture the adoption of maturity standards authorized pursuant to specified state marketing laws. Existing law provides that, unless a different penalty is expressly provided, a violation of any provision of the Food and Agricultural Code is a misdemeanor.

This bill would authorize the commission to establish an organic apple certification program applicable to persons engaged in domestic organic production or processing of apples and to persons engaged in importing apples to determine whether they are in compliance with state and federal laws. The bill would require the program's operating procedures to be approved by the secretary. The bill would require the identity of any person determined to be in violation of the program to be provided to the public, the Department of Food and Agriculture, and any other state and federal agency responsible for the administration of laws related to organic products. The bill would require the commission to reimburse the secretary for all expenditures incurred by the secretary in carrying out its duties and responsibilities pursuant to these provisions. Because the provisions of the bill would be in the Food and Agricultural Code, and they do not expressly provide a penalty for violation, the bill would expand the scope of a crime and thereby create a state-mandated local program.

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.

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

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

(a) California grows apples on 11,000 acres and produces over 1,500,000 boxes of apples annually, with nearly 40 percent of them being organic.

(b) California is a net importer of apples at retail.

(c) Out-of-state producers continually sell apples labeled as organic in California long after their harvest season is completed by using nonorganic methods of storage in an effort to increase their shelf life.

(d) State regulators do not have the ability to test apples stored out of state.

(e) Any program developed as a result of this act to protect California consumers from mislabeled organic apples will be funded by the California Apple Commission.

(f) The necessity of ensuring that organic apples sold in California are properly labeled and adhere to the standards set forth by federal and state organic programs is recognized as being in the public interest.

SEC. 2. Section 75603 is added to the Food and Agricultural Code, to read:

75603. (a) In order to prevent the use of prohibited substances in organic apple production and processing that would undermine consumer confidence in the apples purchased and consumed, the commission may establish an organic apple certification program applicable to persons engaged in domestic organic production or processing of apples and to persons engaged in importing apples to determine whether they are in compliance with state and federal laws.

(b) The program's operating procedures shall be subject to approval by the secretary.

(c) The identity of any person determined to be in violation of the program shall be provided to the public, the department, and any other state and federal agency responsible for the administration of laws related to organic products.

(d) The commission shall reimburse the secretary for all expenditures incurred by the secretary in carrying out its duties and responsibilities pursuant to this section.

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