

cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.

**Sec. 7. REPEALER.**

Minnesota Statutes 1984, section 112.37, subdivision 6, is repealed.

Approved May 24, 1985

**CHAPTER 237 — S.F.No. 1225**

*An act relating to agriculture; exempting manufactured home parks and recreational camping areas from food handling licenses; regulating organic foods; amending Minnesota Statutes 1984, section 28A.15, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 31.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 28A.15, subdivision 5, is amended to read:

Subd. 5. Persons whose principal mode of business is licensed under section 157.03 or 327.15; provided that the holding of any license pursuant to section 157.03 or 327.15 shall not exempt any person from the applicable requirements of the laws and regulations administered by the commissioner, as they relate to composition, standards of identity, adulteration, labeling or misbranding of food.

**Sec. 2. LEGISLATIVE FINDINGS.**

The legislature recognizes a public benefit in establishing standards for food products marketed and labeled using the term "organic" or a derivative of the term "organic." These standards will also facilitate the development of out-of-state markets for Minnesota food grown by organic methods.

**Sec. 3. [31.92] DEFINITIONS.**

Subdivision 1. SCOPE. As used in sections 3 to 5, the terms defined in this section have the meanings given.

Subd. 2. DEPARTMENT. "Department" means the department of agriculture.

Subd. 3. ORGANIC FOOD. "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term "organic" or any derivative of "organic" in its labeling or advertising.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. PRODUCER. "Producer" means a person who is responsible for growing or raising organic food.

Subd. 5. VENDOR. "Vendor" means anyone who sells organic food to the consumer or another vendor.

**Sec. 4. [31.93] REQUIREMENTS.**

Subdivision 1. GROWTH; COMPOSITION. Organic food must be grown, raised, or composed of ingredients that were grown or raised without the use of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals. Other natural substances, such as diatomaceous earth, soaps, elemental sulfur, lime sulfur, and basic copper sulfate may be used in the growing of organic food.

Where untreated seed is unavailable, treated seed may be used.

Soil on which organic food is grown or raised must have been free of synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, and arsenicals for at least one year. After March 31, 1987, the soil must have been free of those synthetics for at least two years. After March 31, 1988, the soil must have been free of those synthetics for at least three years.

Subd. 2. INFORMATION. Growers, manufacturers, and sellers of products regulated by sections 3 to 5 shall provide the department, upon demand, with relevant information from records required under subdivision 2.

Subd. 3. STORAGE. Organic food may be stored in a regular, cold, or controlled atmosphere. If fumigation is needed, only diatomaceous earth or inert gas may be used.

**Sec. 5. [31.94] DEPARTMENTAL DUTIES.**

The department shall enforce sections 3 to 5. The department shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 3 to 5.

The department shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 3 to 5.

The department may adopt rules, including emergency rules, that further clarify organic food standards and marketing practices.

**Sec. 6. EFFECTIVE DATE.**

This act is effective April 1, 1986.

Approved May 24, 1985

Changes or additions are indicated by underline, deletions by ~~strikeout~~.