

## **IC 15-15-8**

### **Chapter 8. Indiana Organic Certification Accreditation**

#### **IC 15-15-8-1**

##### **"Applicant"**

Sec. 1. As used in this chapter, "applicant" refers to a certifying agent applying for accreditation from the director in compliance with the Organic Foods Production Act.

*As added by P.L.2-2008, SEC.6.*

#### **IC 15-15-8-2**

##### **"Certifying agent"**

Sec. 2. As used in this chapter, "certifying agent" refers to a person or entity acting as an independent contractor who is:

- (1) accredited by the director; and
- (2) accredited by the United States Department of Agriculture under the Organic Foods Production Act.

*As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.51.*

#### **IC 15-15-8-3**

##### **"Director"**

Sec. 3. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture or the director's designee.

*As added by P.L.2-2008, SEC.6. Amended by P.L.120-2008, SEC.50.*

#### **IC 15-15-8-4**

##### **"Organic"**

Sec. 4. As used in this chapter, "organic" refers to the method of crop production with respect to a particular crop. The term does not refer to the quality, nutritional value, or healthfulness of the crop produced.

*As added by P.L.2-2008, SEC.6.*

#### **IC 15-15-8-5**

##### **"Organic Foods Production Act"**

Sec. 5. As used in this chapter, "Organic Foods Production Act" means the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

*As added by P.L.2-2008, SEC.6.*

#### **IC 15-15-8-6**

##### **Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

#### **IC 15-15-8-7**

##### **Accreditation of applicants**

Sec. 7. (a) The director may grant accreditation to an applicant

under this chapter.

(b) The director shall make a determination and respond to the applicant not later than three (3) months after the date of receipt of the application.

*As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.52.*

#### **IC 15-15-8-8**

##### **Application for accreditation required**

Sec. 8. A certifying agent operating within Indiana must apply in writing to the director for accreditation.

*As added by P.L.2-2008, SEC.6.*

#### **IC 15-15-8-9**

##### **Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

#### **IC 15-15-8-10**

##### **Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

#### **IC 15-15-8-11**

##### **Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

#### **IC 15-15-8-12**

##### **Implementation by director**

Sec. 12. The director shall implement this chapter. The director has no regulatory authority under this chapter except as provided under section 17 of this chapter.

*As added by P.L.2-2008, SEC.6. Amended by P.L.197-2011, SEC.53.*

#### **IC 15-15-8-13**

##### **Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

#### **IC 15-15-8-14**

##### **Certification required for products labeled organic**

Sec. 14. A product sold in Indiana that is:

- (1) labeled organic or certified organic; and
- (2) produced in any other state of the United States;

must be certified in accordance with the Organic Foods Production Act.

*As added by P.L.2-2008, SEC.6.*

#### **IC 15-15-8-15**

**Sale of products designated as organic; certification required**

Sec. 15. A person may sell or label a product produced in Indiana as:

- (1) organic;
- (2) certified organic; or
- (3) Indiana certified organic;

in Indiana only if the product has been certified by a certifying agency that has been accredited by the director.

*As added by P.L.2-2008, SEC.6.*

**IC 15-15-8-16**

**Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

**IC 15-15-8-17**

**Rules**

Sec. 17. The director shall adopt rules under IC 4-22-2 to implement this chapter.

*As added by P.L.2-2008, SEC.6.*

**IC 15-15-8-18**

**Repealed**

*(As added by P.L.2-2008, SEC.6. Repealed by P.L.197-2011, SEC.153.)*

**IC 15-15-8-19**

**Violations; marketing uncertified products**

Sec. 19. (a) A person:

- (1) who uses the term:
  - (A) organic;
  - (B) certified organic; or
  - (C) Indiana certified organic;

alone or in combination with other words to market a product that has not been designated "certified organic" by an accredited certifying agent under this chapter and in accordance with the Organic Foods Production Act; and

- (2) who:
  - (A) knows; or
  - (B) reasonably should know;

that the product has not been designated "certified organic" by an accredited certifying agent under this chapter and in accordance with the Organic Foods Production Act;

commits a Class A infraction.

(b) Each label or each copy of a written public document containing the words "organic" or "certified organic" alone or in combination with other words used to market a product that has not been designated "certified organic" by an accredited certifying agent constitutes a separate infraction.

*As added by P.L.2-2008, SEC.6.*