

§ 4612. Termination or suspension**(a) "Person" defined**

In this section, the term "person" means a producer, importer, or handler.

(b) Authority of Secretary

If the Secretary finds that an order issued under this chapter, or any provision of the order, obstructs or does not tend to effectuate the purposes of this chapter, the Secretary shall terminate or suspend the operation of the order or provision.

(c) Periodic referenda

Except as provided in subsection (d)(3) and section 4613(g) of this title, on the date that is 5 years after the date on which the Secretary issues an order authorizing the collection of assessments on honey or honey products under this chapter, and every 5 years thereafter, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 4611 of this title.

(d) Referenda on request**(1) In general**

On the request of the Honey Board or the petition of at least 10 percent of the total number of persons subject to assessment under the order, the Secretary shall conduct a referendum to determine if the persons subject to assessment under the order approve continuation of the order in accordance with section 4611 of this title.

(2) Limitation

Referenda conducted under paragraph (1) may not be held more than once every 2 years.

(3) Effect on periodic referenda

If a referendum is conducted under this subsection and the Secretary determines that continuation of the order is approved under section 4611 of this title, any referendum otherwise required to be conducted under subsection (c) shall not be held before the date that is 5 years after the date of the referendum conducted under this subsection.

(e) Timing and requirements for termination or suspension**(1) In general**

The Secretary shall terminate or suspend an order at the end of the marketing year during which a referendum is conducted under subsection (c) or (d) if the Secretary determines that continuation of an order is not approved under section 4611 of this title.

(2) Subsequent referendum

If the Secretary terminates or suspends an order that assesses the handling of honey and honey products under paragraph (1), the Secretary shall, not later than 90 days after submission of a proposed order by an interested party—

(A) propose another order to establish a research, promotion, and consumer information program; and

(B) conduct a referendum on the order among persons that would be subject to assessment under the order.

(3) Effectiveness of order

Section 4611 of this title shall apply in determining the effectiveness of the subsequent amended order under paragraph (2).

(Pub. L. 98-590, §13, Oct. 30, 1984, 98 Stat. 3123; Pub. L. 101-624, title XIX, §1985, Nov. 28, 1990, 104 Stat. 3907; Pub. L. 105-185, title VI, §605(l), June 23, 1998, 112 Stat. 601.)

AMENDMENTS

1998—Pub. L. 105-185 amended section catchline and text generally, substituting present provisions for provisions which in subsec. (a) authorized Secretary to terminate or suspend order, in subsec. (b) provided for conducting of referendum every five years and alternative first referendum, in subsec. (c) provided for referendum upon request of Honey Board or petition of ten percent or more of producers and importers, and in subsec. (d) directed termination or suspension of order where favored by majority voting in referendum and majority produce and import more than 50 percent of volume of honey of those voting.

1990—Subsec. (b). Pub. L. 101-624, §1985(a), designated existing provisions as par. (1), substituted "Except as otherwise provided in paragraph (2), five" for "Five" and "termination" for "continuation, termination," and added par. (2).

Subsec. (d). Pub. L. 101-624, §1985(b), substituted "an order" for "such order", inserted "in which a referendum is conducted under subsection (b) or (c) of this section" after "marketing year", and struck out "of the order" before "is favored by".

§ 4613. Implementation of amendments made by Agricultural Research, Extension, and Education Reform Act of 1998**(a) Issuance of amended order**

To implement the amendments made to this chapter by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998 (other than subsection (m) of that section), the Secretary shall issue an amended order under section 4603 of this title that reflects those amendments.

(b) Proposal of amended order

Not later than 90 days after June 23, 1998, the Secretary shall publish a proposed order under section 4603 of this title that reflects the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998. The Secretary shall provide notice and an opportunity for public comment on the proposed order in accordance with section 4604 of this title.

(c) Issuance of amended order

Not later than 240 days after publication of the proposed order, the Secretary shall issue an order under section 4605 of this title, taking into consideration the comments received and including in the order such provisions as are necessary to ensure that the order conforms with the amendments made by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998.

(d) Referendum on amended order**(1) Requirement****(A) In general**

On issuance of an order under section 4605 of this title reflecting the amendments made