

1 Implementation must include the establishment of an organic commodity advisory council. The council must be
2 composed of the director of the department, a consumer member of the public at large, and certified Montana
3 organic producers, processors, and handlers, a majority of which must be organic producers, to advise the
4 department regarding:

5 (a) — the adoption of administrative rules to implement the organic certification program;

6 (b) — appropriate research and market development programs for certified organic products;

7 (c) — assessments on certified organic products payable by certified organic producers, processors,
8 and handlers certified under the state organic certification program, when approved by a majority of those
9 producers, processors, and handlers, in an amount sufficient to fund the state organic certification program
10 without negative fiscal impact on the state budget;

11 (d) — assessment collection and enforcement procedures;

12 (e) — appropriate penalty and enforcement provisions applicable to the state organic certification
13 program;

14 (f) — the awarding of research and marketing contracts; and

15 (g) — any other issues the advisory council considers necessary for proper administration of the state
16 organic certification program.

17 (1) There is a state organic certification program administered by the department of agriculture.

18 (2) The department may adopt rules as necessary to implement the program consistent with
19 organic regulations and trade laws of the United States and other markets.

20 (3) The department shall seek input from the organic industry on a regular basis as to the need of
21 the certification program.

22 (4) The department is not obligated to continue the program if it is not in compliance with statutory
23 budget requirements or if the private certifiers are providing full coverage of the state.

24 (5) A state organic certification program may not be construed to apply to organic producers,
25 processors, and handlers certified solely by other organic certification programs, whether public, private,
26 foreign, or domestic, nor may the state organic certification program prohibit those other certifying organizations
27 from certifying and collecting fees from organic producers, processors, handlers, or any other commercial entity
28 in Montana. Organic producers, processors, and handlers may be certified under both the state organic

1 certification program and programs administered by other certifying organizations."

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