

MICHIGAN ORGANIC PRODUCTS ACT (EXCERPT)
Act 316 of 2000

286.913 Production, sale, or handling of organic products; certification required; exceptions; retail food establishments.

Sec. 13. (1) The following persons must be certified by a certifying agent registered by the department in order to engage in the production, sale, or handling of organic products:

(a) A producer who sells, intends to sell, or represents that he or she is engaged in the business of selling to the public.

(b) A handler.

(c) A handling operation except as otherwise provided in this section.

(2) Handling operations, including wholesalers and retailers, that do not process, produce, package, or relabel organic products under their own name or for private label, or make organic claims about their operations or label their operation or a particular part of their operation as organic, are not required to be certified or registered.

(3) A handling operation not required to be certified must demonstrate to the satisfaction of the director that it strictly complies with all of the following:

(a) Implements measures necessary for the prevention of commingling organic and nonorganic products.

(b) Implements measures necessary to protect organic products from coming into contact with prohibited substances.

(c) Maintains records sufficient to prove that organic products are certified and registered as required by this act, rules adopted under this act, or both.

(d) Verifies quantities of organic products in a manner acceptable to the director.

(e) Maintains records sufficient to verify compliance with this act and permits access to those records by the director for inspection and copying during normal business hours in order to determine compliance with this act.

(f) Clearly labels, posts, or maintains original organic certification information or identification of the organic product it handles.

(4) Retail food establishments advertising as organic, labeling as organic, or making organic claims about a final product, their operation, or a particular part of their operation are required to be certified or registered.

(5) Retail food establishments not advertising as organic, not labeling as organic, or not making organic claims about any of the following are not subject to this act:

(a) Their final product.

(b) An ingredient.

(c) Their operation.

(d) A particular part of their operation.

(6) Retail food establishments not required to be certified or registered may offer agricultural products for sale that contain organic and nonorganic components and may use a phrase such as "made with certified organic (specified ingredients)" if those organic components were certified in accordance with this act and the requirements in subsection (3)(b) through (f) are met.

History: 2000, Act 316, Eff. Oct. 1, 2001.