

MICHIGAN ORGANIC PRODUCTS ACT (EXCERPT)
Act 316 of 2000

286.927 Complaints and investigations; penalties or remedies; rules; denial of application; suspension or revocation of registration; seizure of product; disposition; written notice of warning; injunctive relief; access by director to establishment or operation; stop sale order; hearing.

Sec. 27. (1) The director, in administering and enforcing this act, shall investigate complaints and initiate and conduct investigations of alleged violations of this act. The director may deny an application for or suspend or revoke registration of a certifying agent or a handler or take other action or utilize other penalties or remedies as are available under this section.

(2) The director may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to enforce and implement this act.

(3) The director may deny an application for or suspend or revoke a registration issued for a certifying agent or a handler under this act for any of the following:

(a) Submission of an application or verification documents that contain insufficient information upon which the department can make an appropriate determination.

(b) Submission of or providing verification documents that demonstrate noncompliance with any provision of this act.

(c) Engaging in fraudulent or deceptive practices or as evasion or attempt at evasion of this act or standards and procedures established pursuant to this act.

(d) Making a false representation.

(e) Violating or refusing to comply with this act or an order of the director.

(f) Having had registration revoked, suspended, or denied under this act within the preceding 5 years.

(4) The director may seize and take possession of an organic or agricultural product not in compliance with this act. An organic or agricultural product not in compliance with this act is subject to seizure upon a complaint filed in a court of competent jurisdiction in the county where the product is located. If the court determines the product to be in violation and orders the condemnation of the product, it shall be denatured, destroyed, relabeled, or otherwise disposed of in compliance with the law. The court shall not order the disposition of the product without giving the claimant an opportunity to apply to the court for the release of the product or permission to relabel the product in compliance with this act.

(5) This act does not require the director to revoke or suspend a registration, report for prosecution, institute seizure or proceedings, issue an order for withdrawal from distribution, or take other administrative action as a result of a minor violation of this act when the director determines that the public interest is best served by suitable notice of warning in writing.

(6) The director may apply for temporary or permanent injunctive relief, without bond, to restrain a person from violating or continuing to violate this act or a rule adopted under this act notwithstanding the existence of other remedies at law.

(7) The director shall have free access at all reasonable hours to any establishment or operation, including a vehicle used to transport or hold agricultural or organic products, for the purpose of inspecting the establishment, operation, or vehicle to determine if this act has been violated. The director may secure samples or specimens of any agricultural or organic product, after paying or offering to pay for such samples or specimens, to determine if this act is being violated. The director may examine any records of the establishment, operation, or certifying agent to obtain necessary and pertinent information.

(8) The director may issue and enforce a written printed stop sale order to the owner or custodian or any organic or agricultural product the director determines is in violation of this act or rule adopted under this act. The order shall prohibit the further sale, processing, or movement of the product except upon the approval of the director and until the director has evidence of compliance with the law and has issued a release from the stop sale order. The owner or custodian of the agricultural product may request a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

Compiler's note: In the first sentence of subsection (8), the phrase "to the owner or custodian or any organic or agricultural product" evidently should read "to the owner or custodian of any organic or agricultural product."