Certified Beef Program

This Act establishes a program and a fund to enable cattle raised and slaughtered in the state to qualify for the official state seal.

Submitted as:
South Dakota
SB 220 (enrolled version)
Status: Enacted into law in 2005.

Suggested State Legislation

Section 1. [Short Title.] This Act may be cited as “An Act to Create a Certified Beef Program.”

Section 2. [Program Eligibility.] Only beef products, whether live animals or finished consumer products, which have been produced by registered participants in full compliance with all the applicable requirements of this Act may be certified, identified, classified, packaged, labeled, or otherwise designated for sale inside or outside this state as [insert state] Certified Beef.

Section 3. [Protocols, Guidelines, and Program Requirements.] The [secretary of the department of agriculture] may establish quality protocols, guidelines, program requirements, license fees, and license requirements and operate, supervise, and control this state’s Certified Beef Program.

Section 4. [Use of Certification Mark, Trademark, Service Mark, Copyright, or Label by the Certified Beef Program.] The use of any certification mark, trademark, service mark, copyright, or label of the [state] Certified Beef Program shall be in accordance with the terms and conditions of a valid license issued by the [secretary]. A violation of this section is a [Class 6 felony].

Section 5. [Exemptions to Public Record of Data Gathered Pursuant to Act.] Any data or financial information made or received by the [secretary of agriculture] pursuant to this Act is not public record and is exempt from the provisions of [insert citation]. However, the [secretary] may provide information gathered pursuant to this Act to any government agency if the information is needed for a government sponsored animal identification tracking program or for any public health or safety reason.

Section 6. [Rules Pertaining to Certified Beef Program.] The [secretary of agriculture] may by rule promulgated pursuant to [insert citation] prescribe the following:

1. Qualifications or conditions for using any intellectual property right, mark, or label of the [state] Certified Beef Program;
2. Reasonable fees for licenses and services of the Program, such fees to be reasonably commensurate with the cost of developing, administering, and marketing the Program;
3. License application procedures, the terms and conditions of any license, and any official form the [secretary] deems necessary and appropriate;
4. Methods and means of conducting inspections, keeping records, and otherwise insuring program compliance by participants in the Program; and
(5) Provisions to maintain the confidentiality of business information provided to the [secretary] by participants in the Program.

Section 7. [Enforcing this Act.] In addition to any other remedy provided by law, the [secretary] may:

(1) Proceed by suit in any court of competent jurisdiction to enforce the terms and provisions of this Act and of any license issued pursuant to this Act;

(2) Seek injunctive relief as a part of any such suit; and

(3) Revoke a license for cause pursuant to [insert citation].

Section 8. [Consulting with other State Agencies to Administer This State’s Certified Beef Program.] The [secretary of agriculture] and the [secretary of tourism and state development] shall consult and cooperate, and shall exchange such services, personnel, and information as are necessary and appropriate in order to develop, administer, and market the [state] Certified Beef Program.

Section 9. [Certified Beef Fund.] There is hereby created within the [state treasury] the [state] Certified Beef Fund, into which all license fees, inspection fees, and other fees or revenues paid to the state from the operation of the [state] Certified Beef Program shall be deposited. All money in the fund created by this section shall be used for the purpose of developing, administering, and marketing the [state] Certified Beef Program. Expenditures from the fund shall be appropriated through the normal budget process.

Section 10. [Severability.] [Insert severability clause.]

Section 11. [Repealer.] [Insert repealer clause.]

Section 12. [Effective Date.] [Insert effective date.]