

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

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Create a Certified Beef
2 Program.”
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4 Section 2. [*Program Eligibility.*] Only beef products, whether live animals or finished
5 consumer products, which have been produced by registered participants in full compliance with
6 all the applicable requirements of this Act may be certified, identified, classified, packaged,
7 labeled, or otherwise designated for sale inside or outside this state as [insert state] Certified
8 Beef.
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10 Section 3. [*Protocols, Guidelines, and Program Requirements.*] The [secretary of the
11 department of agriculture] may establish quality protocols, guidelines, program requirements,
12 license fees, and license requirements and operate, supervise, and control this state’s Certified
13 Beef Program.
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15 Section 4. [*Use of Certification Mark, Trademark, Service Mark, Copyright, or Label by*
16 *the Certified Beef Program.*] The use of any certification mark, trademark, service mark,
17 copyright, or label of the [state] Certified Beef Program shall be in accordance with the terms
18 and conditions of a valid license issued by the [secretary]. A violation of this section is a [Class 6
19 felony].
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21 Section 5. [*Exemptions to Public Record of Data Gathered Pursuant to Act.*] Any data or
22 financial information made or received by the [secretary of agriculture] pursuant to this Act is
23 not public record and is exempt from the provisions of [insert citation]. However, the [secretary]
24 may provide information gathered pursuant to this Act to any government agency if the
25 information is needed for a government sponsored animal identification tracking program or for
26 any public health or safety reason.
27

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

30 (1) Qualifications or conditions for using any intellectual property right, mark, or label
31 of the [state] Certified Beef Program;

32 (2) Reasonable fees for licenses and services of the Program, such fees to be reasonably
33 commensurate with the cost of developing, administering, and marketing the Program;

34 (3) License application procedures, the terms and conditions of any license, and any
35 official form the [secretary] deems necessary and appropriate;

36 (4) Methods and means of conducting inspections, keeping records, and otherwise
37 insuring program compliance by participants in the Program; and

38 (5) Provisions to maintain the confidentiality of business information provided to the
39 [secretary] by participants in the Program.

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

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

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

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

47

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

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

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

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

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