## Section 124: Enforcement of federal standards related to growing, harvesting, packing and holding of produce for human consumption

Section 124. (a) As used in this section, the following words shall have the following meanings unless the context otherwise requires:-

''Farm'', lands that are used by a person for farming or agriculture as defined in section 1A.

''Federal act'', the FDA Food Safety Modernization Act, Public Law No. 111–353, as amended.

''Federal standards'', the standards adopted under the federal act for the growing, harvesting, packing and holding of produce for human consumption as set forth in 21 C.F.R. 112, as amended.

''Produce'', produce as defined in 21 C.F.R. 112.3, as amended.

''Produce farm'', any farm engaged in the growing, harvesting, packing or holding of produce.

(b) The department may enforce the federal standards in the commonwealth. The department may consult, collaborate and enter into cooperative agreements with the department of public health regarding application and enforcement of the federal act.

(c) (1) The department may enter upon and inspect a produce farm during reasonable hours to ensure compliance with the federal standards or, pursuant to paragraph (2), comparable state standards applicable to produce not meeting the definition of covered produce under 21 C.F.R. 112.3, as amended. The commissioner may promulgate regulations as may be necessary to implement this paragraph.

(2) The department may conduct inspections of produce not meeting the definition of covered produce under 21 C.F.R. 112.3, as amended, or a produce farm not subject to the federal standards under 21 C.F.R. 112.4 and 112.5, as amended, only upon the request of the operator of the produce farm. Such a request for inspection shall subject the produce farm and its operator to the authority of the department as set forth in this section.

(3) After inspection, the department may issue an inspection certificate that shall include the date and place of inspection along with any other information that the department may prescribe. The department may coordinate with other state and federal agencies and organizations to carry out inspections at or near the same time on a particular produce farm.

(d) The department may issue reasonable orders necessary to effectuate the purposes of this section including, but not limited to, orders for the embargo, destruction, quarantine and release of produce. The commissioner may promulgate regulations as may be necessary to implement this subsection.

(e) The operator of a produce farm shall maintain records required by the federal act and rules adopted thereunder and shall make those records available to the department upon request.

*[Chapter 128A effective until July 31, 2021. Repealed by 2011, 194, Sec. 39. See 2011, 194, Sec. 112 as amended by 2014, 165, Sec. 192; 2016, 176, Sec. 12B; 2017, 56, Sec. 14; 2018, 159, Sec. 14; 2019, 47, Sec. 14; 2020, 1, Sec. 14; and 2020, 106, Sec. 14.]*