

Editorial Notes**CONSTITUTIONALITY**

For information regarding the constitutionality of subtitle B of title XIX of Pub. L. 101-624, which enacted this chapter (sections 6101 et seq.), see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, constitution.congress.gov.

Statutory Notes and Related Subsidiaries**SHORT TITLE**

Pub. L. 101-624, title XIX, §1921, Nov. 28, 1990, 104 Stat. 3854, provided that: "This subtitle [subtitle B (§§1921-1933) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Mushroom Promotion, Research, and Consumer Information Act of 1990'."

§ 6102. Definitions

As used in this chapter—

(1) Commerce

The term "commerce" means interstate, foreign, or intrastate commerce.

(2) Consumer information

The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of mushrooms.

(3) Council

The term "Council" means the Mushroom Council established under section 6104(b) of this title.

(4) Department

The term "Department" means the Department of Agriculture.

(5) First handler

The term "first handler" means any person, as described in an order issued under this chapter, who receives or otherwise acquires mushrooms from a producer and prepares for marketing or markets such mushrooms, or who prepares for marketing or markets mushrooms of that person's own production.

(6) Importer

The term "importer" means any person who imports, on average, over 500,000 pounds of mushrooms annually from outside the United States.

(7) Industry information

The term "industry information" means information and programs that are designed to lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the mushroom industry.

(8) Marketing

The term "marketing" means the sale or other disposition of mushrooms in any channel of commerce.

(9) Mushrooms

The term "mushrooms" means all varieties of cultivated mushrooms grown within the United States for the fresh market, or im-

ported into the United States for the fresh market, that are marketed, except that such term shall not include mushrooms that are commercially marinated, canned, frozen, cooked, blanched, dried, packaged in brine, or otherwise processed, as may be determined by the Secretary.

(10) Person

The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(11) Producer

The term "producer" means any person engaged in the production of mushrooms who owns or who shares the ownership and risk of loss of such mushrooms and who produces, on average, over 500,000 pounds of mushrooms per year.

(12) Promotion

The term "promotion" means any action determined by the Secretary to enhance the image or desirability of mushrooms, including paid advertising.

(13) Research

The term "research" means any type of study to advance the image, desirability, marketability, production, product development, quality, or nutritional value of mushrooms.

(14) Secretary

The term "Secretary" means the Secretary of Agriculture.

(15) State and United States

The terms "State" and "United States" include the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 101-624, title XIX, §1923, Nov. 28, 1990, 104 Stat. 3855.)

§ 6103. Issuance of orders**(a) In general**

To effectuate the declared policy of section 6101(b) of this title, the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this chapter applicable to producers, importers, and first handlers of mushrooms. Any such order shall be national in scope. Not more than one order shall be in effect under this chapter at any one time.

(b) Procedures**(1) Issuance of an order**

The Secretary may propose the issuance of an order under this chapter, or an association of mushroom producers or any other person that will be affected by this chapter may request the issuance of, and submit a proposal for, such an order.

(2) Publication of order

Not later than 60 days after the receipt of a request and proposal by an interested person for an order, or when the Secretary determines to propose an order, the Secretary shall publish the proposed order and give due notice