

SENATE CS FOR CS FOR HOUSE BILL NO. 110(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/12/99

Referred: Rules

Sponsor(s): REPRESENTATIVES HARRIS, Dyson, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the labeling of milk, cream, or any product or byproduct
2 of milk or cream."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 17.20.005 is amended to read:

5 **Sec. 17.20.005. Powers and duties of commissioner.** To carry out the
6 requirements of this chapter, the commissioner may issue orders, regulations, permits,
7 quarantines, and embargoes relating to

8 (1) food offered to the public or sold, including

9 (A) inspection of meat, fish, poultry, and other food products;

10 (B) standards of sanitation and handling methods for all phases
11 of slaughtering, processing, storing, transporting, displaying, and selling; and

12 (C) labeling;

13 (2) control and eradication of pests;

14 (3) enforcement of hazard analysis critical control point programs for

1 seafood processing that are developed in cooperation with appropriate industry
 2 representatives or, to the extent not inconsistent with this chapter or regulations
 3 adopted under the authority of this chapter, that are established by regulations of the
 4 United States Food and Drug Administration as they may periodically be revised;

5 (4) labeling, subject to AS 17.20.013, and grading of milk and milk
 6 products and standards of sanitation for dairies offering to the public or selling milk
 7 or milk products to at least the minimum of current recommendations of the United
 8 States Public Health Service pasteurized milk ordinance as it may periodically be
 9 revised;

10 (5) standards and conditions for the operation and siting of aquatic
 11 farms and related hatcheries, including

12 (A) restrictions on the use of chemicals; and

13 (B) requirements to protect the public from contaminated
 14 aquatic farm products that pose a risk to health;

15 (6) monitoring aquatic farms and aquatic farm products to ensure
 16 compliance with this chapter and, to the extent not inconsistent with this chapter or
 17 regulations adopted under the authority of this chapter, with the requirements of the
 18 national shellfish sanitation program manual of operations published by the United
 19 States Food and Drug Administration as it may periodically be revised;

20 (7) tests and analyses that may be made and hearings that may be held
 21 to determine whether the commissioner will issue a stop order or quarantine;

22 (8) transportation of, use of, disposal of, recalls of, or warnings
 23 concerning quarantined or embargoed items;

24 (9) cooperation with federal and other state agencies.

25 * **Sec. 2.** AS 17.20 is amended by adding a new section to read:

26 **Sec. 17.20.013. Hormone labeling for milk products.** (a) Products offered
 27 for wholesale or retail sale in this state that contain milk, cream, or any product or
 28 byproduct of milk or cream and that have been processed and handled under the
 29 requirements of this section may be labeled "Milk in this product is from cows not
 30 treated with rBGH" or "Milk in this product is from cows not treated with rBST."
 31 Labeling of milk products under this section may also include an indication that the

1 milk used is "farmer certified rBGH-free" or "farmer certified rBST-free." If a milk
 2 product label contains the rBGH or rBST language allowed under this subsection, the
 3 label must also state "No significant difference has been shown between milk derived
 4 from rBST treated and non-rBST treated cows." Milk products offered for wholesale
 5 or retail sale in this state are not required to contain any further label information
 6 related to the use of rBGH or rBST in milk products.

7 (b) The labeling described in (a) of this section may appear on the principal
 8 display panel of a packaged milk product, may be conspicuously attached to the
 9 container of a bulk product, or may appear in an advertisement for a milk product,
 10 including media advertising or displays or placards posted in retail stores. In this
 11 subsection,

12 (1) "advertisement" means the representations disseminated in any
 13 manner or by any means, other than by labeling, for the purpose of inducing, or that
 14 are likely to induce, directly or indirectly, the purchase of the milk product;

15 (2) "principal display panel" means that part of a label that is most
 16 likely to be displayed, presented, shown, or examined under normal and customary
 17 conditions of display for sale.

18 (c) A dairy plant that purchases milk or cream to be used in milk products
 19 labeled under (a) of this section shall require an affidavit from producers supplying the
 20 milk. The producer or authorized representative of the producer shall sign the
 21 affidavit, and the affidavit must state that all cows used in the producer's dairy
 22 operations have not and will not be treated with rBGH without advance written notice
 23 to the dairy plant of at least 30 days.

24 (d) The affidavit required under (c) of this section must contain

- 25 (1) the name and address of the producer;
- 26 (2) the grade A milk permit number of the producer;
- 27 (3) the name of the producer's farm and its address if different from
 28 the address of the producer;
- 29 (4) the telephone number of the producer;
- 30 (5) the name of the dairy plant receiving the milk; and
- 31 (6) a statement in substantially the following form:

1 State of Alaska)

2) ss:

3 _____ Judicial District)

4 I, _____, as the owner or permit
5 holder responsible for the dairy farm operation identified above, hereby
6 certify as follows:

7 (A) that no animals on the above farm are currently
8 being treated with recombinant bovine somatotropin (rBST), also known
9 as recombinant bovine growth hormone (rBGH);

10 (B) that no animals on the above farm have received
11 rBST treatments within the past 30 days;

12 (C) that I will provide written notice to the buyer of my
13 milk at least thirty (30) days in advance if I intend to use rBST on my
14 dairy cattle; and

15 (D) that I will not sell milk from animals added to my
16 herd if those animals may have received rBST treatment within the
17 previous 30 days.

18 I declare, under oath, that the above statement is true and correct to the
19 best of my knowledge.

20 Producer Signature _____

21 Subscribed and sworn to or affirmed before me at
22 _____ on _____.

23 (date)

24 _____
25 Notary Public

26 My Commission Expires _____

27 (e) A dairy plant shall keep the original affidavit provided under (c) of this
28 section on file for a period of not less than two years. The affidavit and corresponding
29 records shall be made available for inspection by the commissioner. If the milk
30 product is to be labeled under (a) of this section, dairy plants supplying milk or cream
31 to a processor or to a manufacturer of a milk product for use in the milk product shall

1 supply the processor or manufacturer with a certificate stating that the producers of the
2 supplied milk or cream have executed and delivered the affidavits as required by (c)
3 of this section.

4 (f) All milk or cream from non-rBGH-treated cows used in the manufacturing
5 or processing of milk products labeled under (a) of this section, and milk or cream
6 supplied by a producer using an affidavit under (c) of this section, shall be kept
7 completely separate from any other milk or cream throughout all stages of storage,
8 transportation, and processing until the resulting milk products are in final packaged
9 form in a properly labeled container. The dairy plant and the processor or
10 manufacturer at each stage shall keep records of the separation and make them
11 available to the commissioner for inspection.

12 (g) In this section,

13 (1) "milk product" means any product that contains milk, cream, or any
14 product or byproduct of milk or cream;

15 (2) "recombinant bovine growth hormone" or "rBGH" means a growth
16 hormone that is intended for use in bovine animals and that has been produced through
17 recombinant DNA techniques described as "recombinant bovine somatotropin" or
18 "rBST."