

## A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE TARR

TO: CSHB 217( ), Draft Version "J"

1 Page 1, line 4, following "Act":

2           Insert "relating to an unlawful or deceptive act or practice;"

3

4 Page 2, following line 7:

5           Insert new bill sections to read:

6        "**\* Sec. 3.** AS 17.20.040(a) is amended to read:

7           (a) Food is misbranded if

8                   (1) its labeling is false or misleading in any particular;

9                   (2) it is offered for sale under the name of another food;

10                   (3) it is an imitation of another food, unless its label bears, in type of  
11 uniform size and prominence, the word "imitation" and, immediately thereafter, the  
12 name of the food imitated;

13                   (4) its container is made, formed, or filled so as to be misleading;

14                   (5) it is in package form unless it bears a label containing (A) the name  
15 and place of business of the manufacturer, packer, or distributor; and (B) an accurate  
16 statement of the quantity of the contents in terms of weight, measure, or numerical  
17 count; however, under (B) of this paragraph, reasonable variations are permitted, and  
18 exemptions for small packages shall be established by regulations prescribed by the  
19 department;

20                   (6) a word, statement, or other information required by or under  
21 authority of this chapter to appear on the label or labeling is not prominently placed  
22 with the conspicuousness (as compared with other words, statements, designs, or  
23 devices in the labeling) and in terms that make it likely to be read and understood by

1 the ordinary individual under customary conditions of purchase and use;

2 (7) it purports to be or is represented as a food for which a definition  
3 and standard of identity has been prescribed by regulations as provided by  
4 AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label  
5 bears the name of the food specified in the definition and standard and the common  
6 names of optional ingredients other than spices, flavoring, and coloring present in the  
7 food as required by regulation;

8 (8) it purports to be or is represented as (A) a food for which a  
9 standard of quality has been prescribed by regulations, and its quality falls below that  
10 standard, unless its label bears, in the manner and form the regulations specify, a  
11 statement that it falls below that standard; or (B) a food for which a standard of fill of  
12 container has been prescribed by regulation as provided by AS 17.20.010 and it falls  
13 below the applicable standard of fill of container, unless its label bears, in the manner  
14 and form as the regulations specify, a statement that it falls below that standard;

15 (9) it is not subject to the provisions of (7) of this subsection, unless it  
16 bears labeling clearly giving (A) the common or usual name of the food, if any, and  
17 (B) in case it is fabricated from two or more ingredients, the common or usual name of  
18 each ingredient; except that, however, spices, flavorings, and colorings, other than  
19 those sold as such, may be designated as spices, flavorings, and colorings, without  
20 naming each; however, to the extent that compliance with the requirements of (B) of  
21 this paragraph is impracticable, or results in deception or unfair competition,  
22 exemptions shall be established by regulations adopted by the department, but the  
23 requirements of (B) of this paragraph do not apply to food products that are packaged  
24 at the direction of purchasers at retail at the time of sale, the ingredients of which are  
25 disclosed to the purchasers by other means in accordance with regulations adopted by  
26 the department;

27 (10) it purports to be or is represented for special dietary uses, unless  
28 its label bears information concerning its vitamin, mineral, and other dietary properties  
29 the commissioner determines to be, and by regulations prescribes as, necessary in  
30 order fully to inform purchasers as to its value for those uses;

31 (11) it bears or contains artificial flavoring, artificial coloring, or

1 chemical preservative, unless it bears labeling stating that fact; however, to the extent  
2 that compliance with the requirements of this paragraph is impracticable, exemption  
3 shall be established by regulations adopted by the department;

4 (12) the food is a farmed halibut, salmon, or sablefish product, unless

5 (A) the product is labeled to identify the product as farmed fish  
6 raised outside the state, if the product is sold in a packaged form; or

7 (B) the product is conspicuously identified as farmed fish  
8 raised outside the state, if the product is sold in an unpackaged form;

9 (13) the labeling, advertisement, or identification of the food is  
10 inconsistent with the labeling, advertisement, or identification provisions of  
11 AS 17.20.048 or 17.20.049;

12 (14) the food is a genetically modified fish or genetically modified fish  
13 product unless

14 (A) the food is conspicuously labeled to identify the fish or fish  
15 product as a genetically modified fish or fish product if the fish or fish product  
16 is sold in a packaged form; or

17 (B) the food is conspicuously identified as a genetically  
18 modified fish or fish product if the fish or fish product is sold in an unpackaged  
19 form; 15) the food is meat or poultry that was grown or raised outside

the state and purports to be or is represented or advertised as having been grown  
or raised in the state.

20 \* **Sec. 4.** AS 17.20 is amended by adding a new section to read:

21 **Sec. 17.20.043. Sale and labeling of meat and poultry.** (a) Meat or poultry  
22 that has been grown or raised outside the state may not be sold, represented, or  
23 advertised as having been grown or raised in the state.

24 (b) The commissioner shall adopt regulations that provide for the examination  
25 and inspection of meat and poultry that is sold, represented, or advertised as having  
26 been grown or raised in the state to ascertain whether it has been grown or raised in  
27 the state."

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1   Renumber the following bill sections accordingly.

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3   Page 3, line 4:

4           Delete "AS 17.20.044 - 17.20.048"

5           Insert "AS 17.20.043 - 17.20.048"

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7   Page 5, following line 9:

8           Insert a new bill section to read:

9        "**\* Sec. 13.** AS 45.50.471(b) is amended by adding a new paragraph to read:

10                   (58) selling, representing, or advertising meat or poultry that has been  
11                   grown or raised outside the state as having been grown or raised in the state."

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13   Renumber the following bill section accordingly.