

**HOUSE BILL NO. 110**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HARRIS, Dyson

Introduced: 2/24/99

Referred: Labor and Commerce, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the sale, offer to sell, and labeling of fluid milk, meat, and  
2 meat products."

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 17.20.015, and grading of  
 6 milk and milk products and standards of sanitation for dairies offering to the public  
 7 or selling milk or milk products to at least the minimum of current recommendations  
 8 of the United States Public Health Service pasteurized milk ordinance as it may  
 9 periodically be 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 new sections to read:

26 **Sec. 17.20.013. Milk date labeling.** A person who regularly engages in the  
 27 business of bottling or selling fluid milk may not sell or offer to sell the fluid milk  
 28 unless the milk container is conspicuously and legibly marked with a date that is 18  
 29 days after the date of ultrapasteurization or high-temperature pasteurization of the milk  
 30 and unless the date of sale or offer to sell is before or on that date. In this section,  
 31 "fluid milk" does not include canned fluid milk.

1           **Sec. 17.20.015. Nonuse of synthetic hormones.** (a) A person who regularly  
 2 engages in the business of bottling or selling fluid milk may state on the container of  
 3 fluid milk whose production was not induced by synthetic hormones that the  
 4 production of the milk was not induced by synthetic hormones. The person may not  
 5 sell, offer to sell, or bottle fluid milk with a label that states that the production of the  
 6 milk was not induced by synthetic hormones if the production of the milk was induced  
 7 by synthetic hormones. In this subsection, "fluid milk" does not include canned fluid  
 8 milk.

9           (b) A person who engages regularly in the production, packaging, or sale of  
 10 meat whose production was not induced by synthetic hormones may state on the  
 11 package of meat that the production of the meat was not induced by synthetic  
 12 hormones. The person may not sell, offer to sell, or package meat with a label that  
 13 states that the production of the meat was not induced by synthetic hormones if the  
 14 production of the meat was induced by synthetic hormones.

15           (c) A person who engages regularly in the production, packaging, or sale of  
 16 meat products may state on the package of meat that the production of the meat  
 17 ingredients in the meat product was not induced by synthetic hormones if the  
 18 production of the meat ingredients was not induced by synthetic hormones. The  
 19 person may not sell, offer to sell, or package meat products with a label that states that  
 20 the production of the meat ingredients in the meat product was not induced by  
 21 synthetic hormones if the production of the meat ingredients was induced by synthetic  
 22 hormones.

23 \* **Sec. 3.** AS 17.20.305 is amended to read:

24           **Sec. 17.20.305. Penalty for violation.** A person who with criminal negligence  
 25 violates a provision of this chapter or a regulation, order, quarantine, embargo, or  
 26 recall made under authority of this chapter, or violates a provision of a permit issued  
 27 under this chapter, is guilty of a class A misdemeanor for each offense. In this  
 28 section,

29                   (1) "criminal negligence" has the meaning given in AS 11.81.900;

30                   (2) "person," for the purpose of a violation of

31                                   (A) AS 17.20.013, does not include an employee, while acting

1 in the capacity of an employee, of a business that sells or bottles fluid milk  
2 unless the employee also owns 10 percent or more of the business;

3 (B) AS 17.20.015(a), does not include an employee, while  
4 acting in the capacity of an employee, of a business that sells or bottles the  
5 fluid milk unless the employee also owns 10 percent or more of the  
6 business;

7 (C) AS 17.20.015(b), does not include an employee, while  
8 acting in the capacity of an employee, of a business that produces,  
9 packages, or sells the meat unless the employee also owns 10 percent or  
10 more of the business;

11 (D) AS 17.20.015(c), does not include an employee, while  
12 acting in the capacity of an employee, of a business that produces,  
13 packages, or sells meat products unless the employee also owns 10 percent  
14 or more of the business.