

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/29/99

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," and may  
 2 also state "No significant difference has been shown between milk derived from rBST  
 3 treated and non-rBST treated cows." Milk products offered for wholesale or retail sale  
 4 in this state are not required to contain any further label information related to the use  
 5 of rBGH or rBST in milk products.

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

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

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

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

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

24 (1) the name and address of the producer;

25 (2) the grade A milk permit number of the producer;

26 (3) the name of the producer's farm and its address if different from  
 27 the address of the producer;

28 (4) the telephone number of the producer;

29 (5) the name of the dairy plant receiving the milk; and

30 (6) a statement in substantially the following form:

31 State of Alaska )

1 ) ss:

2 \_\_\_\_\_ Judicial District )

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

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

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

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

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

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

19 Producer Signature \_\_\_\_\_

20 Subscribed and sworn to or affirmed before me at  
21 \_\_\_\_\_ on \_\_\_\_\_.

22 (date)

23 \_\_\_\_\_

24 Notary Public

25 My Commission Expires \_\_\_\_\_

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

1 supplied milk or cream have executed and delivered the affidavits as required by (c)  
2 of this section.

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

11 (g) In this section,

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

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