

Original sponsors: Carney, Malone  
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Offered: 6/5/80

1 IN THE HOUSE

BY THE FREE CONFERENCE COMMITTEE

2 FREE CONFERENCE CS FOR HOUSE BILL NO. 416

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of milk sold in the  
7 state."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 03.05.020(5)(A) is amended to read:

10 (A) the labeling and grading of milk and milk products  
11 and standards of cleanliness and sanitation, to at least the mini-  
12 mum of current recommendations of the United States Public Health  
13 Service, for the operation of dairies in the state selling, or  
14 offering for sale, milk or milk products to be sold in the state,  
15 except that unpasteurized milk may be sold under regulations estab-  
16 lishing a definition and standards of identity and quality for un-  
17 pasteurized milk;

18 \* Sec. 2. AS 03.17 is amended by adding a new section to read:

19 Sec. 03.17.063. MARKETING OF MILK. (a) If the board finds that  
20 milk marketing practices affecting a specific area of the state have  
21 created an economic condition potentially injurious to the public health  
22 and welfare and the board recommends that prices charged for the sale of  
23 milk by producers and handlers in the area be established to rectify the  
24 condition, the director may establish the price to be charged for the  
25 sale of milk by producers or handlers in that area.

26 (b) Prices established under (a) of this section shall be just and  
27 reasonable. The following factors shall be considered in establishing  
28 milk prices:

29 (1) the public health and welfare;

1 (2) ensuring an adequate supply of pure and wholesome milk to  
2 the inhabitants of the area affected;

3 (3) seasonal production;

4 (4) conditions affecting the costs of production, transporta-  
5 tion, and marketing of milk, including a reasonable return to producers  
6 and handlers.

7 (c) Before issuing a market order under (a) of this section, the  
8 director shall hold a public hearing in the area to be affected by the  
9 order. Notice of the public hearing shall be published at least 30 days  
10 before the hearing in a newspaper of general circulation for the affected  
11 area and in other media the director finds appropriate.

12 (d) The director is not subject to the Administrative Procedure  
13 Act (AS 44.62) or the provisions of AS 03.17.040 - 03.17.060 in issuing  
14 a market order under this section.

15 \* Sec. 3. AS 03.17 is amended by adding a new section to read:

16 Sec. 03.17.097. CERTIFICATION OF PRODUCERS OF UNPASTEURIZED MILK.

17 (a) A person may not sell or offer for sale in the state unpasteurized  
18 milk or unpasteurized milk products unless the producing dairy is certi-  
19 fied to sell unpasteurized milk or unpasteurized milk products by the  
20 division of agriculture.

21 (b) The division of agriculture shall certify that a dairy may  
22 sell unpasteurized milk and unpasteurized milk products if the director  
23 finds that the producing milk stock of the dairy meets standards of the  
24 division relating to the absence of brucellosis and tuberculosis and  
25 that the milk and milk products of the dairy meet standards of the  
26 division relating to the absence of salmonella and to the maximum counts  
27 of sediment, leukocyte, and bacteria allowable.

28 (c) The producing milk stock of a dairy certified under this  
29 section shall be tested every 60 days for brucellosis and tuberculosis.

1 The presence or absence of salmonella, and the sediment, leukocyte and  
2 bacteria count of milk and milk products of a dairy certified under this  
3 section must be ascertained every 21 days. If the producing milk stock  
4 or milk and milk products of a dairy certified under this section fail  
5 to meet the standards of the division of agriculture, the director shall  
6 revoke the certification of the dairy.

7 (d) A dairy certified under this section shall affix over the  
8 opening of each container containing unpasteurized milk or unpasteurized  
9 milk products sold to consumers a sticker supplied by the division of  
10 agriculture indicating that the product is unpasteurized milk, that  
11 unpasteurized milk is potentially hazardous to children under two years  
12 of age, and that the tests required under this section have been admin-  
13 istered to the producing stock and the milk or milk product.

14 \* Sec. 4. LEGISLATIVE INTENT. This Act does not affect the extraterri-  
15 torial marketing of milk.

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