

1 IN THE HOUSE

BY PHILLIPS AND GOLL

2

HOUSE BILL NO. 388

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to irradiated food."

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

8 * Section 1. AS 17.20.290(a) is amended to read:

9 (a) The following acts and the causing of the acts [THEREOF] are
10 prohibited:

11 (1) the manufacture, or sale, or delivery, holding, or
12 offering of sale of a food, drug, device, or cosmetic that is adul-
13 terated or misbranded;

14 (2) the adulteration or misbranding of a food, drug, device
15 or cosmetic;

16 (3) the receipt in commerce of a food, drug, device, or
17 cosmetic that is adulterated or misbranded, and the delivery or prof-
18 fered delivery of the article [THEM] for pay or otherwise;

19 (4) the sale, delivery for sale, holding for sale, or
20 offering for sale of an article in violation of AS 17.20.050 - 17.20.-
21 070 and 17.20.100;

22 (5) the dissemination of a false advertisement;

23 (6) the refusal to permit entry or inspection, or to permit
24 the taking of a sample, as authorized by AS 17.20.200;

25 (7) the giving of a guaranty or undertaking that [WHICH] is
26 false, except by a person who relied on a guaranty or undertaking to
27 the same effect signed by and containing the name and address of the
28 person residing in the state from whom the person who relied on the
29 guarantee or undertaking received the food, drug, device, or cosmetic

1 in good faith;

2 (8) the removal or disposal of a detained or embargoed
3 article in violation of AS 17.20.230 - 17.20.270;

4 (9) the alteration, mutilation, destruction, obliteration,
5 or removal of the whole or part of the labeling of, or the doing of,
6 another [ANY OTHER] act with respect to, a food, drug, device, or
7 cosmetic, if the act is done while the article is held for sale and
8 results in the article being misbranded;

9 (10) forging, counterfeiting, simulating, or falsely repre-
10 senting, or without proper authority using a mark, stamp, tag, label
11 or other identification device authorized or required by regulations
12 adopted under AS 17.20.230 - 17.20.270;

13 (11) the using, on the labeling of a drug or in an adver-
14 tisement relating to a drug, of a representation or suggestion that an
15 application with respect to the drug is effective under AS 17.20.110
16 or that the drug complies with the provisions of that section;

17 (12) the sale or offering for sale of frozen fish as fresh
18 fish;

19 (13) the improper labeling and drug substitution by pharma-
20 cists under AS 17.20.105;

21 (14) the knowing sale of irradiated food; in this para-
22 graph,

23 (A) "irradiated" means treated with gamma radiation or
24 other ionizing radiation;

25 (B) "irradiated food" includes spices that have been
26 irradiated, and food that contains an irradiated ingredient
27 unless the only irradiated ingredient is a spice.

28 * Sec. 2. AS 17.20.290(b) is amended to read:

29 (b) The commissioner of environmental conservation or a designee

1 of the commissioner is responsible for enforcing the provisions of
2 [PARAGRAPHS] (a)(1), (2), (3), (4), (6), (7), (8), (9), and (10) of
3 this section, if the subject of the prohibited act involves food or
4 cosmetics, and the provisions of [PARAGRAPH] (a)(12) and (a) (14) of
5 this section. This subsection does not limit the authority of peace
6 officers.