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Referred: Health, Education &  
Social Services

6-0222A

1 IN THE HOUSE

BY PHILLIPS AND BROWN

2

HOUSE BILL NO. 25

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST 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 for [OF] sale of a food, drug, device, or cosmetic that is  
13 adulterated 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) the forging, counterfeiting, simulating, [OR] falsely  
10 representing, or without proper authority using of a mark, stamp, tag,  
11 label or other identification device authorized or required by regula-  
12 tions 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" does not include spices that  
26 have been irradiated or food that contains spices that have been  
27 irradiated unless there are other irradiated ingredients in the  
28 food.

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

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