

Original sponsors: Phillips and Brown

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 25 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act prohibiting under the Alaska Food, Drug, and
7 Cosmetic Act the knowing sale of irradiated food and
8 the causing of the knowing sale of irradiated food;
9 and making the commissioner of environmental conser-
10 vation responsible for enforcing the prohibitions."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 17.20.290(a) is amended to read:
13 (a) The following acts and the causing of the acts [THEREOF] are
14 prohibited:
15 (1) the manufacture, or sale, or delivery, holding, or
16 offering for [OF] sale of a food, drug, device, or cosmetic that is
17 adulterated or misbranded;
18 (2) the adulteration or misbranding of a food, drug, device
19 or cosmetic;
20 (3) the receipt in commerce of a food, drug, device, or
21 cosmetic that is adulterated or misbranded, and the delivery or prof-
22 fered delivery of the article [THEM] for pay or otherwise;
23 (4) the sale, delivery for sale, holding for sale, or
24 offering for sale of an article in violation of AS 17.20.050 - 17.20.-
25 070 and 17.20.100;
26 (5) the dissemination of a false advertisement;
27 (6) the refusal to permit entry or inspection, or to permit
28 the taking of a sample, as authorized by AS 17.20.200;
29 (7) the giving of a guaranty or undertaking that [WHICH] is

1 false, except by a person who relied on a guaranty or undertaking to
2 the same effect signed by and containing the name and address of the
3 person residing in the state from whom the person who relied on the
4 guarantee or undertaking received the food, drug, device, or cosmetic
5 in good faith;

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

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

13 (10) the forging, counterfeiting, simulating, [OR] falsely
14 representing, or without proper authority using of a mark, stamp, tag,
15 label or other identification device authorized or required by regula-
16 tions adopted under AS 17.20.230 - 17.20.270;

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

21 (12) the sale or offering for sale of frozen fish as fresh
22 fish;

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

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

27 (A) "irradiated" means treated with gamma radiation or
28 other ionizing radiation;

29 (B) "irradiated food" does not include spices that

1 have been irradiated or food that contains spices that have been
2 irradiated unless there are other irradiated ingredients in the
3 food.

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

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