

HOUSE BILL NO. 35
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE R.PHILLIPS

Introduced: 1/21/91

Referred: Labor and Commerce, Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting under the Alaska Food, Drug, and Cosmetic Act the knowing sale
2 of irradiated food; authorizing embargo and detention remedies in the case of a violation
3 of the prohibition against the sale of irradiated food; and making the commissioner of
4 environmental conservation responsible for enforcing the prohibition."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 17.20.230 is amended by adding a new subsection to read:

7 (c) If the commissioner of environmental conservation finds or has probable cause to
8 believe that a person is violating AS 17.20.290(d), the commissioner may affix to the food that
9 is the subject of the violation a tag or other appropriate marking that gives notice that the food
10 may not be sold and warning all persons not to remove or dispose of the food until permission
11 for removal or disposal is given by the commissioner or a court. A person may not remove or
12 dispose of the detained or embargoed food without this permission.

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

14 (b) The commissioner of environmental conservation or a designee of the commissioner

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

5 * Sec. 3. AS 17.20.290 is amended by adding a new subsection to read:

6 (d) The knowing sale of irradiated food is prohibited.

7 * Sec. 4. AS 17.20.370 is amended by adding a new paragraph to read:

8 (15) "irradiated food" means food that has been treated with gamma radiation or
9 other ionizing radiation; "irradiated food" does not include spices that have been irradiated or
10 food that contains spices that have been irradiated unless there are other irradiated ingredients
11 in the food.