

SENATE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR KERTTULA

Introduced: 1/25/91
Referred: Resources and Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting under the Alaska Food, Drug, and Cosmetic Act the sale of milk
2 containing recombinant bovine growth hormone; authorizing embargo and detention remedies
3 in the case of a violation of the prohibition; 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 milk that
9 is the subject of the violation a tag or other appropriate marking that gives notice that the milk
10 may not be sold and warning all persons not to remove or dispose of the milk 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 milk without this permission.

13 * **Sec. 2.** AS 17.20.240 is amended to read:

14 Sec. 17.20.240. **PETITION FOR LIBEL FOR CONDEMNATION.** When an article

1 detained or embargoed under AS 17.20.230(a) or (b) [AS 17.20.230] has been found by the
2 commissioner of environmental conservation or the commissioner of health and social services,
3 as the case may be, to be adulterated or misbranded, the appropriate commissioner shall petition
4 the superior court for a libel for condemnation of the article. When that commissioner finds that
5 an [A DETAINED OR EMBARGOED] article detained or embargoed under AS 17.20.230(a)
6 or (b) is not adulterated or misbranded, the commissioner shall remove the tag or other marking.

7 * Sec. 3. AS 17.20.290(b) is amended to read:

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

13 * Sec. 4. AS 17.20.290 is amended by adding a new subsection to read:

14 (d) The sale of fluid milk containing recombinant bovine growth hormone is prohibited.