

**SENATE BILL NO. 34****IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - FIRST SESSION****BY SENATOR PHILLIPS****Introduced: 1/11/93  
Referred: HES, L&C, FIN****A BILL****FOR AN ACT ENTITLED**

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

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

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

8 (c) If the commissioner of environmental conservation finds or has probable  
9 cause to believe that a person is violating AS 17.20.290(d), the commissioner may  
10 affix to the food that is the subject of the violation a tag or other appropriate marking  
11 that gives notice that the food may not be sold and warning all persons not to remove  
12 or dispose of the food until permission for removal or disposal is given by the  
13 commissioner or a court. A person may not remove or dispose of the detained or

1 embargoed food without this permission.

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

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

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

9 (d) The knowing sale of irradiated food is prohibited, unless irradiated food  
10 is required by a physician for medical purposes.

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

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