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26

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/19/87

FURTHER REFERRALS: Resources

DATE: JAN-27, 1987

The Labor & Commerce Committee has considered HB 26

"An Act relating to the sale of certain milk products."

RECOMMENDS:

- replace with CS HB 26 (L+C) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

Dave Rowley

Gregg Robinson

Ellis

Cliff Davidson

Bill Brubaker

Mike Rogers

SIGNING OTHER RECOMMENDATIONS:

[Signature]

Dave Rowley
Chairman's signature

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSHB 26 (L&C)

Publish Date: _____

Revision Date: 1/29/87

Agency Affected: DEC

Title: An Act Relating to the sale
of certain MITK products

BRU: Environmental Health

Sponsor: Terry Martin

Components: Environmental Sanitation
Palmer Lab., Dairy Industry

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This Bill as revised will have no fiscal impact on the Department of Environmental Conservation

Prepared by: Doug Donegan

Phone: 465-2696

Division: Environmental Health

Date: 1/28/87

Approved by Commissioner: *Ann D. Kelly*

Date: 1/29/87

Agency: Environmental Conservation

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907) 465-2696
Address:

POSITION PAPER
CSHB 26 (L&C)

January 29, 1987

Contact: Douglas Donegan

Title

An Act relating to the sale of certain milk products

Effect of the Bill

This bill requires that all milk products sold in Alaska contain a date of "processing."

Department Position

The Department supports the intent of CSHB 26. The labeling requirement would provide consumers with pertinent information necessary to make informed decisions regarding the relative freshness of their milk product purchases.

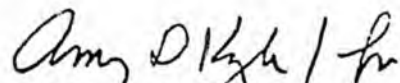
If the bill becomes law, DEC would monitor the accuracy of "processing" date of in-state processors during the course of inspections of milk processing facilities. Accuracy of "processing" date for milk products produced outside of Alaska will be confirmed by monitoring shipment dates of incoming milk products and date of "processing" on the containers.

Suggested Revisions

None

Fiscal Effect

Since the monitoring necessary to confirm the accuracy of the processing date could be accomplished using existing staff, there will be no fiscal impact to the Department from this bill.



Dennis D. Kelso
Commissioner

5-0237B

Bannister
1/27/87

Original sponsors: Martin, Larson
and Menard

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 26 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of certain milk prod-
7 ucts."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 17.05 is amended by adding a new section to read:

10 Sec. 17.05.060. DATE-LABELING OF MILK PRODUCTS. (a) A person
11 may not sell or offer to sell a milk product unless the product con-
12 tainer is conspicuously and legibly marked with the month and the day
13 of the month when the product was processed, and the date is preceded
14 by the words "processed on".

15 (b) This section does not apply to milk products that are
16 packaged in a hermetically sealed container, dried, or frozen.

17 (c) The commissioner of environmental conservation shall enforce
18 this section.

19 (d) In this section

20 (1) "date of processing" means the earliest date when the
21 milk product was heat-treated in any manner, including pasteurization;

22 (2) "hermetically sealed container" means a container that
23 prevents the entry of microorganisms in order to maintain the commer-
24 cial sterility of the contents after processing;

25 (3) "milk product" does not include cultured milk products
26 and cheese, except cottage cheese; in this paragraph, "cultured milk
27 products" includes sour cream and yogurt.
28
29

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

Telephone: (907) 465-2696
Address:

January 26, 1987
Contact: Douglas Donegan

POSITION PAPER HB 26

Title:

An Act relating to the sale of certain milk products

Effect of the Bill

This bill requires that all milk products sold in Alaska contain a date of "processing" and a date upon which the product becomes "unfit for human consumption."

Department Position

The Department supports the intent of HB 26. The labeling requirements will provide consumers with pertinent information necessary to make informed decisions regarding the relative freshness and shelf-life of their milk product purchases.

If the bill becomes law, DEC would analyze approximately 6 samples per week to confirm by laboratory analysis the accuracy of the "use-before" date. DEC would monitor the accuracy of "processing" date of in-state processors at milk processing facilities. Accuracy of "processing" date for milk products produced outside of Alaska will be confirmed by monitoring shipment dates of incoming milk products and date of "processing" on the containers.

Suggested Revisions


While DEC supports the overall approach, some modification is needed to make it workable. The term "date of processing" needs to be defined. The Department recommends that date of processing be defined as "the earliest date upon which the milk product has been heat treated in any manner such as pasteurization." This definition is suggested because there are several steps in the production of milk products which could be considered "processing" and this definition will eliminate potential ambiguities.

The term "unfit for human consumption" also needs a definition. The Department suggests that this term be defined as "when the milk product exhibits organoleptic or microbiological evidence of spoilage rendering it unacceptable for human consumption as determined by the Department's Environmental Health laboratory."

The definition of "milk product" should also exclude all "cultured" milk products including sour cream and yogurt.

Fiscal Effect

The Department would monitor milk products to determine compliance with the labeling requirements. This would include evaluating the accuracy of the "unfit for human consumption" date. During routine inspections grocery and dairy inspections, DEC sanitarians would collect milk samples and send them to the Division's environmental health laboratory for analysis. The sample collection and analyses could be performed with existing staff. Consequently, the only additional monies necessary would be for sample containers, sample shipment, gel ice, laboratory supplies and equipment including glassware and media, and a refrigerator with a temperature recording device. The Department anticipates that increased costs would be \$9,500 the first year and \$7,000 per year thereafter.


Dennis D. Kalso
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: Labor & Commerce
Publish Date: 1/19/87

Revision Date: _____
Title: An Act Relating to the sale
of certain milk products
Sponsor: Terry Martin
Requestor: John Manley for Terry Martin

Agency Affected: DEC
BRU: Environmental Health
Components: Environmental Sanitation
Palmer Lab., Dairy Industry

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	4.0	4.0	4.0	4.0	4.0
SUPPLIES	0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT	0	2.5	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		9.5	7.0	7.0	7.0	7.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		9.5	7.0	7.0	7.0	7.0
FEDERAL FUNDS						
OTHER						
TOTAL		9.5	7.0	7.0	7.0	7.0

POSITIONS:

FULL-TIME						-
PART-TIME						-
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Contractual monies will purchase six sample shipments/week to Palmer Laboratory, Supplies will purchase laboratory glassware, media and sample shipping containers and gel ice; Equipment will be a one-time purchase of laboratory refrigerator with external temperature recording device.

Prepared by: Doug Donegan
Division: Environmental Health

Phone: 465-2696
Date: 1/26/87

Approved by Commissioner: _____
Agency: Department of Environmental Conservation

Date: 1/26/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



Alaska State Legislature

House

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

January 21, 1987

To: Representative Dave Donley
Chairman, Labor & Commerce

From: Representative Curt Menard

Subject: HB 26

Respectfully requesting a hearing for HB 26, An Act Relating to the Sale of Certain Milk Products, at the earliest possible convenience of the committee.

Prompt consideration of this measure will permit a more equitable representation regarding the freshness of dairy products that could have the effect of enhancing the position of Alaskan producers, in turn protecting and providing Alaskan jobs.

REP. TERRY MARTIN

ELECTIVE DISTRICT 13
MOUNTAIN VIEW
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NUNAKA VALLEY
ELMENDORF A.F.B.
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Alaska House of Representatives

M E M O R A N D U M

To: Rep. Dave Donley, Chair
House Labor & Commerce Committee

From: Rep. Terry Martin *TM*
by John Mackey

Date: January 23, 1987

RE: HB 26 - Sale of certain milk products

Thank you for your expeditious scheduling of the above-referenced house bill.

Attached is a short sponsor's statement that explains the purpose and background of the bill. We have asked for a fiscal note from Kit Ballentine in the department of environmental conservation, and will forward a copy to you as soon as we have it. Aside from the sponsor's statement and fiscal note, there really isn't any other background materials for the bill - it is a straightforward answer to a simple consumer problem. I would encourage the members of the Labor and Commerce committee to pass HB 26 on to the Resources committee as soon as possible.



SPONSOR'S STATEMENT

HB 26

"An Act relating to the sale of certain milk products."

This consumer protection bill has only one section, which would add new language to AS 17.05 (Standards of Sale for Food and Drink, in the Food and Drug Title) which would make it illegal to sell milk and cottage cheese unless its container is clearly marked showing the date the product was processed, as well as the date on which it can be expected to be no good.

This requirement would not apply to canned milk, cheeses, ice cream or dehydrated milk. The requirement would be enforced by DEC.

This bill came about simply because, as milk products are now marketed, cartons display only the date on which the grocer should remove the container from the dairy case. This can be ambiguous to the buyer, particularly when producers advertise that the product is good for some time after the date stamped.

The change proposed by HB 26 would give the consumer the information necessary to make a more informed purchase, by showing exactly what day the product was put into the container. Knowing as much as possible about the product's freshness at the time a purchase is considered, and being able to estimate how long it will stay fresh, should alleviate complaints among consumers.