

SB

105

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. Kelso
Commissioner

2-13-87

MEMO

TO: Senator Kelly, Chair, Senate Labor and Commerce Committee
FROM: Senator Kerttula 

SB 105: An act relating to the sale of certain milk products"

SB-105 was introduced by Senator Kerttula to aid consumers.

SB-105 will simply require the date that milk products were first processed (i.e. heat treated in any way, including pasteurization) be put on the product before the product can be sold.

This will enable consumers to know when the milk product was processed, and that will basically tell them how old their milk product is.

Consumers have a right to know this information and this bill will give them that right in statute.

There is a proposed substitute for SB-105 which is now drafted as a sponsor substitute, but which may be introduced as a committee substitute if the committee so wishes. The substitute will simply clean up the definitions.

The Department of Environmental Conservation supports this bill, as do consumers across the state.

Thank you for your consideration of SB-105.

1 IN THE SENATE

BY KERTTULA, SZYMANSKI,
UEHLING AND JOSEPHSON

2

SENATE BILL NO. 105

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.

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

REQUEST: _____

Bill Version : SB 105

Publish Date : _____

Revision Date: _____

Agency Affected: DEC

Title: An Act relating to the sale of certain milk products

BRU: Environmental Health

Sponsor: Kerttula, Szymanski, Uehling,
Requestor: Senator Kelly Josephson

Components: Meat/Poultry Inspection

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	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

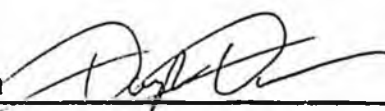
FUNDING: (Thousands of Dollars)

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

POSITIONS:

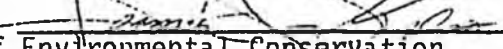
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Douglas Donegan 
Division: Environmental Health

Phone: 465-2696

Date: February 9, 1987

Approved by Commissioner: 
Agency: Department of Environmental Conservation

Date: February 10, 1987

Distribution (by preparer):

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

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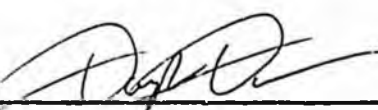
FUNDING: (Thousands of Dollars)

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

POSITIONS:

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