

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 734

To amend the Agricultural Act of 1949 to require the Secretary of Agriculture to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## **A BILL**

To amend the Agricultural Act of 1949 to require the Secretary of Agriculture to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bovine Growth Hor-  
5 mone Moratorium Act of 1993”.

6 **SEC. 2. SALE OF MILK PRODUCED WITH BOVINE GROWTH**  
7 **HORMONE.**

8 Section 204 of the Agricultural Act of 1949 (7 U.S.C.  
9 1446e) is amended—

10 (1) by redesignating subsection (k) as sub-  
11 section (l); and

12 (2) by inserting after subsection (j) the follow-  
13 ing new subsection:

14 “(k) SALE OF MILK PRODUCED WITH BOVINE  
15 GROWTH HORMONE.—

16 “(1) DEFINITIONS.—As used in this subsection:

17 “(A) BOVINE GROWTH HORMONE.—The  
18 term ‘bovine growth hormone’ means—

19 “(i) a substance known as bovine  
20 somatotropin, bST, BST, bGH, or BGH;  
21 and

22 “(ii) a growth hormone, intended for  
23 use in bovine, that has been produced  
24 through recombinant DNA techniques.

1           “(B) COW.—The term ‘cow’ means a bo-  
2           vine animal.

3           “(2) PROHIBITION ON SALE.—During the pe-  
4           riod beginning 30 days after the date of enactment  
5           of the Bovine Growth Hormone Moratorium Act of  
6           1993 and ending on the date of submission to Con-  
7           gress of the report required under paragraph (5), it  
8           shall be unlawful for a person to market for com-  
9           mercial use milk produced by a cow after the cow  
10          was injected with bovine growth hormone if the per-  
11          son knew, or should have known, that the cow was  
12          injected with the hormone and that the milk could  
13          be marketed for commercial use.

14          “(3) RECORDS.—

15                 “(A) IN GENERAL.—During the period re-  
16                 ferred to in paragraph (2), a person who sells  
17                 bovine growth hormone or injects the hormone  
18                 into a cow shall prepare and maintain records  
19                 that comply with the regulations issued by the  
20                 Secretary under subparagraph (B).

21                 “(B) REGULATIONS.—

22                         “(i) PERSONS COVERED.—Not later  
23                         than 30 days after the date of enactment  
24                         of the Bovine Growth Hormone Morato-

1 rium Act of 1993, the Secretary shall issue  
2 regulations that require—

3 “(I) persons who sell bovine  
4 growth hormone; and

5 “(II) persons who inject bovine  
6 growth hormone into cows,

7 to create and maintain records that con-  
8 tain the applicable information specified in  
9 clause (ii).

10 “(ii) INFORMATION.—Regulations is-  
11 sued under this subparagraph shall require  
12 records to contain a description of—

13 “(I) the quantity and source of  
14 the bovine growth hormone obtained  
15 (by manufacture, purchase, or any  
16 other means);

17 “(II) the date on which the hor-  
18 mone was obtained; and

19 “(III) the identity of each person  
20 to whom the hormone was sold or oth-  
21 erwise distributed, the cows into  
22 which any portion of the hormone was  
23 injected, and each person who has an  
24 operator or ownership interest in the  
25 cows.

1 “(4) PENALTIES.—

2 “(A) IN GENERAL.—Except as provided in  
3 subparagraph (B), a person who violates para-  
4 graph (2) or (3) shall be liable for a civil pen-  
5 alty of \$1,000.

6 “(B) MULTIPLE VIOLATIONS.—A person  
7 who commits more than one violation of para-  
8 graph (2), or more than one violation of para-  
9 graph (3), shall be liable for a civil penalty of  
10 \$10,000 for each such violation after the first  
11 such violation.

12 “(C) SEPARATE VIOLATIONS.—For pur-  
13 poses of this paragraph—

14 “(i) each day on which a person sells  
15 milk in violation of paragraph (2) shall be  
16 treated as a separate violation of para-  
17 graph (2) by the person; and

18 “(ii) each day on which a person sells  
19 or injects bovine growth hormone in viola-  
20 tion of paragraph (3) shall be treated as a  
21 separate violation of paragraph (3) by the  
22 person.

23 “(5) STUDY AND REPORT.—Not later than 1  
24 year after the date of enactment of the Bovine

1 Growth Hormone Moratorium Act of 1993, the Sec-  
2 retary shall—

3 “(A) conduct a study of the economic im-  
4 pact of the use of bovine growth hormone on  
5 the dairy industry and the Federal milk price  
6 support program established under this section;  
7 and

8 “(B) submit to the appropriate committees  
9 of Congress a report summarizing in detail the  
10 results of the study.”.

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