

103D CONGRESS
1ST SESSION

S. 735

To amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes.

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

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, 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 Milk Labeling Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 201 of the Federal Food, Drug, and Cosmetic
8 Act (21 U.S.C. 321) is amended by adding at the end the
9 following:

10 “(gg) The term ‘bovine growth hormone’ means—

1 “(A) a substance described as bovine
2 somatotropin, bST, BST, bGH, or BGH; and

3 “(B) a growth hormone, intended for use in bo-
4 vine animals, that has been produced through re-
5 combinant DNA techniques.

6 “(hh) The term ‘cow’ means a bovine animal.”.

7 **SEC. 3. LABELING.**

8 Section 403 of the Federal Food, Drug, and Cosmetic
9 Act (21 U.S.C. 343) is amended by adding at the end the
10 following:

11 “(s)(1) If it is milk that—

12 “(A) is intended for human consumption; and

13 “(B)(i) is produced by cows that have been in-
14 jected with bovine growth hormone; or

15 “(ii) has been commingled with milk produced
16 by such cows,

17 unless the labeling of the milk bears the following state-
18 ment: ‘This milk was produced by cows injected with bo-
19 vine growth hormone.’.

20 “(2) If it is milk that is intended for human con-
21 sumption, other than milk described in paragraph (1), un-
22 less the labeling of the milk bears the following statement:
23 ‘This milk was not produced by cows injected with bovine
24 growth hormone.’.

1 “(3) If it is a milk product that is intended for human
2 consumption and is derived from milk described in para-
3 graph (1), unless the labeling of the milk product bears
4 the following statement: ‘This milk product was derived
5 from milk produced by cows injected with bovine growth
6 hormone.’.

7 “(4) If it is a milk product that is intended for human
8 consumption and is not derived from milk described in
9 paragraph (1), unless the labeling of the milk product
10 bears the following statement: ‘This milk product was not
11 derived from milk produced by cows injected with bovine
12 growth hormone.’”.

13 **SEC. 4. RECORDS.**

14 (a) PROHIBITED ACT.—Section 301 of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
16 ed by adding at the end the following:

17 “(u) The failure to prepare and maintain records re-
18 quired by section 512A, or to comply with a requirement
19 of regulations promulgated under such section.”.

20 (b) RECORDS.—Chapter V of the Federal Food,
21 Drug, and Cosmetic Act is amended by inserting after sec-
22 tion 512 (21 U.S.C. 360b) the following:

23 **“SEC. 512A. BOVINE GROWTH HORMONE.**

24 “(a) RECORDS.—

1 “(1) IN GENERAL.—A person who sells bovine
2 growth hormone, purchases the hormone, distributes
3 the hormone, or injects the hormone into a cow shall
4 prepare and maintain records that comply with the
5 regulations issued by the Secretary under paragraph
6 (2).

7 “(2) REGULATIONS REGARDING RECORDS.—

8 “(A) PERSONS COVERED.—Not later than
9 30 days after the date of enactment of the Bo-
10 vine Growth Hormone Milk Labeling Act, the
11 Secretary shall issue regulations that require—

12 “(i) persons who sell bovine growth
13 hormone;

14 “(ii) persons who purchase bovine
15 growth hormone;

16 “(iii) persons who distribute bovine
17 growth hormone; and

18 “(iv) persons who inject bovine growth
19 hormone into cows,

20 to create and maintain records that contain the
21 applicable information specified in subpara-
22 graph (B).

23 “(B) INFORMATION.—Regulations issued
24 under this paragraph shall require records to
25 contain a description of—

1 “(i) the quantity and source of the bo-
2 vine growth hormone obtained (by manu-
3 facture, purchase, or any other means);

4 “(ii) the date on which the hormone
5 was obtained; and

6 “(iii) the identity of each person to
7 whom the hormone was sold or otherwise
8 distributed, the cows into which any por-
9 tion of the hormone was injected, and each
10 person who has an operator or ownership
11 interest in the cows.

12 “(b) OTHER REGULATIONS.—Not later than 30 days
13 after the date of enactment of the Bovine Growth Hor-
14 mone Milk Labeling Act, the Secretary shall issue regula-
15 tions that establish—

16 “(1) requirements with respect to the sale, dis-
17 tribution, and administration of bovine growth hor-
18 mone; and

19 “(2) such other requirements with respect to
20 the use of bovine growth hormone as the Secretary
21 may determine to be necessary to carry out the ob-
22 jectives of this Act.”.

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