

LEGISLATIVE HISTORY CHECKLIST

NJSA: 24: 5-8

(Food-sales & distribution--prohibit irradiation)

LAWS OF: 1989

CHAPTER: 203

Bill No: S1816

Sponsor(s): Dorsey

Date Introduced: Pre-filed

Committee: Assembly: Health & Human Services

Senate: Institutions, Health & Welfare

Amended during passage: Yes Amendments denoted by asterisks.

Date of Passage: Assembly: June 15, 1989 Re-enacted 11-27-89

Senate: March 28, 1988 Re-enacted 10-19-89

Date of Approval: December 8, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

See newspaper clippings--attached:

"Kean signs ban on irradiated food," 12-9-89 Trenton Times.

"Irradiation opposition continues," 12-30-89 Asbury Park Press

"Governor 'zaps' irradiated food," 12-9-89 Star Ledger

[SECOND REPRINT]

SENATE, No. 1816

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator DORSEY

1 AN ACT prohibiting the distribution and sale of food processed  
utilizing radiation.

3

BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

1. R.S.24:5-8 is amended to read as follows:

7 24:5-8. For the purposes of this subtitle food shall be deemed  
adulterated:

9 A. (1) If it bears or contains any poisonous or deleterious  
substance which may render it injurious to health; but in case  
11 the substance is not an added substance such food shall not be  
considered adulterated under this clause if the quantity of such  
13 substance in such food does not ordinarily render it injurious to  
health[,] or

15 (2) If it bears or contains any added poisonous or added  
deleterious substance which is unsafe within the meaning of  
17 regulations promulgated by the Department of Health limiting  
the quantity therein or thereon to such extent as the  
19 Department of Health of the State of New Jersey finds  
necessary for the protection of the public health; or

21 (3) If it consists in whole or in part of any filthy, putrid, or  
decomposed substance, or if it is otherwise unfit for food; or

23 (4) If it has been produced, prepared, packed or held under  
insanitary conditions whereby it may have become contaminated  
25 with filth, or whereby it may have been rendered injurious to  
health; or

27 (5) If it is in whole or in part the product of an animal which  
has not been inspected, and the meat of such animal passed as  
29 fit for food:

(a) By an official federal inspector; or

31 (b) By such officer or person as shall be qualified for such  
purpose in accordance with, and in such manner as shall be  
33 prescribed by, regulations adopted by the State department, if

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SIH committee amendments adopted January 28, 1988.

<sup>2</sup> Senate amendments adopted in accordance with Governor's  
recommendation August 14, 1989.

1 such inspection is required by such regulations, or if it is in  
whole or in part the product of an animal which has died  
3 otherwise than by slaughter; or

(6) If its container is composed, in whole or in part, of any  
5 poisonous or deleterious substance which may render the  
contents injurious to health; or

7 (7) If, during the course of its processing, it has been exposed  
to, or treated with, <sup>1</sup>ionized<sup>1</sup> radiation <sup>1</sup>[as a means of  
9 preservation]<sup>1</sup>, except that<sup>1</sup>[,]<sup>1</sup> this paragraph shall not apply to  
any spice so exposed or <sup>1</sup>[,]<sup>1</sup> treated.

11 B. (1) If any valuable constituent has been in whole or in part  
omitted or abstracted therefrom; or

13 (2) If any substance has been substituted wholly or in part  
therefor; or

15 (3) If damage or inferiority has been concealed in any manner;  
or

17 (4) If any substance has been added thereto or mixed or  
packaged therewith so as to increase its bulk or weight, or  
19 reduce its quality or strength or make it appear better or of  
greater value than it is.

21 C. If it falls below the standard of purity, quality or strength  
which it purports or is represented to possess.

23 D. If it bears or contains a coal-tar color other than one from  
a batch that has been certified under the federal act.

25 (cf: P.L.1966, c.74, s.5)

27 2. This act shall take effect immediately <sup>2</sup>and shall expire  
two years after its enactment<sup>2</sup>.

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## HEALTH

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### Food and Nutrition

33 Prohibits distribution and sale of irradiated food.

1 such inspection is required by such regulations, or if it is in  
 3 whole or in part the product of an animal which has died  
 otherwise than by slaughter; or

5 (6) If its container is composed, in whole or in part, of any  
 poisonous or deleterious substance which may render the  
 contents injurious to health; or

7 (7) If, during the course of its processing, it has been exposed  
to, or treated with, radiation as a means of preservation, except  
 9 that, this paragraph shall not apply to any spice so exposed or,  
treated.

11 B. (1) If any valuable constituent has been in whole or in part  
 omitted or abstracted therefrom; or

13 (2) If any substance has been substituted wholly or in part  
 therefor; or

15 (3) If damage or inferiority has been concealed in any manner;  
 or

17 (4) If any substance has been added thereto or mixed or  
 packaged therewith so as to increase its bulk or weight, or  
 19 reduce its quality or strength or make it appear better or of  
 greater value than it is.

21 C. If it falls below the standard of purity, quality or strength  
 which it purports or is represented to possess.

23 D. If it bears or contains a coal-tar color other than one from  
 a batch that has been certified under the federal act.

25 2. This act shall take effect immediately.

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#### STATEMENT

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31 The bill amends R.S. 24:5-8 to include in the list of  
 "adulterated foods," any food except spices which, during the  
 course of its processing, has been exposed to, or treated with,  
 33 radiation as a means of preservation. The sale, distribution or  
 manufacture for distribution or sale of any food which is  
 35 adulterated is prohibited under R.S. 24:5-1.

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#### HEALTH

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#### Food and Nutrition

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Prohibits distribution and sale of irradiated food.

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ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1816

STATE OF NEW JERSEY

DATED: JANUARY 23, 1989

The Assembly Health and Human Resources Committee favorably reports Senate Bill No. 1816 [1R].

This bill deems all foods, except spices, treated with ionized radiation (irradiated food) as adulterated food and thereby prohibits the sale and distribution of such foods.

The bill amends R.S.24:5-8 to include in the list of "adulterated foods," any food except spices which, during the course of its processing, has been exposed to, or treated with, ionized radiation. The sale, distribution or manufacture for distribution or sale of any food which is adulterated is prohibited under R.S.24:5-1.

The committee favorably reported a similar bill, Senate Bill No. 2571 of 1986 OCR (Dorsey), in November 1987. That bill was passed in both houses of the Legislature but was pocket vetoed by the Governor on January 19, 1988.

This bill is identical to Assembly Bill No. 2381 (Kelly/Schuber), which the committee also reported on this date.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

**SENATE, No. 1816**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 28, 1988

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 1816 with committee amendments.

As amended by committee, this bill deems all foods, except spices, treated with ionized radiation (irradiated food) as adulterated food and thereby prohibits the sale and distribution of such foods.

The bill amends R.S. 24:5-8 to include in the list of "adulterated foods," any food except spices which, during the course of its processing, has been exposed to, or treated with, ionized radiation. The sale, distribution or manufacture for distribution or sale of any food which is adulterated is prohibited under R.S. 24:5-1.

The committee amended the bill to clarify the form of radiation, i.e., ionized, which is prohibited and to delete the provision that the treatment of food with radiation is for the purpose of food preservation.

The committee favorably reported a similar bill, Senate Bill No. 2571 of 1986 with amendments in October 1986. That bill was passed in both houses of the Legislature but was pocket vetoed by the Governor on January 19, 1988.

This bill was pre-filed for introduction in the 1988-89 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

August 3, 1989

SENATE BILL NO. 1816

(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 1816 (First Reprint) with my objections for reconsideration.

The bill amends the current law at N.J.S.A. 24:5-8 to provide that all food, with the exception of spices, shall be deemed adulterated if during the course of its processing it has been exposed to, or treated with, ionized radiation. Under existing law, adulterated food may not be manufactured, sold or distributed in the State. In addition, adulterated food can be confiscated or embargoed by the State Department of Health, and monetary penalties can be imposed for its manufacture, sale or distribution.

This bill is virtually identical to Senate Bill No. 2571 (OCR), which I pocket vetoed with a lengthy statement on January 19, 1988. This bill, like its predecessor, prohibits the distribution and sale of irradiated food in New Jersey and stems from the continued controversy over the health effects of consuming irradiated food.

Irradiation is the process of applying ionizing energy, or radiation, to food products as a means of extending the shelf life, reducing the need for chemicals for preservation and pest control, and eliminating insects, parasites and bacteria. Since 1963, the Federal Food and Drug Administration (FDA) has approved the use of food irradiation in five limited circumstances: 1) to control insects in wheat and flour; 2) to inhibit sprout development in white potatoes; 3) to control trichinosis in pork; 4) to slow growth and ripening and to control insects in fresh fruits and vegetables; and 5) to kill insects and control microorganisms in dry or dehydrated herbs, spices, seeds, teas and vegetable seasonings. These federal regulations also require that all irradiated food must be clearly labeled with a special logo and a statement that the food has been treated with irradiation.

Despite these FDA regulations, a public consensus has yet to be achieved over the safety of food irradiation. On the one hand, the FDA has recently reviewed the evidence on food irradiation and on December 30, 1988 issued a report indicating that the use of irradiation within prescribed federal standards

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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poses no threat to the consumer. Some experts feel that there is very little scientific evidence to suggest that irradiation of food within prescribed FDA standards constitutes a health hazard. However, others, including the proponents of this legislation, believe that FDA testing thus far has been inconclusive and that the ionized radiation process causes chemical changes in the food which may, in large quantities, cause cancer, birth defects or other disorders. These same individuals also question the safety of food irradiation plants and the potential health consequences on plant workers and neighbors.

I note that Governor Cuomo of New York State has recently signed legislation that creates a two-year moratorium on the sale of irradiated food in New York. Rather than enacting an absolute and permanent ban on irradiated food, I recommend that the Legislature consider a similar approach to that taken by New York. Enactment of a two-year moratorium will permit additional time to continue to study the effects of food irradiation, research that might produce a consensus within the scientific community and the general public on this issue. By adopting a two-year moratorium, our restrictions on the manufacture, sale or distribution of irradiated food in New Jersey will parallel those in a neighboring state and help produce a uniform approach to this issue in the region.

Therefore, I herewith return Senate Bill No. 1816 (First Reprint) and recommend that it be amended as follows:

Page 2, Section 2, Line 26:

After "immediately", insert  
"and shall expire two years after its  
enactment"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Deborah T. Poritz

Chief Counsel