

ASSEMBLY, No. 415

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KELLY

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

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

6  
7 1. R.S.24:5-8 is amended to read as follows:

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

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

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

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

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

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

27 (a) By an official federal inspector; or

28 (b) By such officer or person as shall be qualified for such  
29 purpose in accordance with, and in such manner as shall be prescribed  
30 by, regulations adopted by the State department, if such inspection is  
31 required by such regulations, or if it is in whole or in part the product  
32 of an animal which has died otherwise than by slaughter; or

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

Matter underlined thus is new matter.

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

4 (7) If, during the course of its processing, it has been exposed to,  
5 or treated with, ionized radiation, except that this paragraph shall not  
6 apply to any spice so exposed or treated.

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

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

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

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

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

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

19 (cf: P.L.1989, c.203, s.1)

20  
21 2. This act shall take effect immediately.

## 22 23 24 STATEMENT

25  
26 This bill deems all foods, except spices, treated with ionized  
27 radiation (irradiated food) as adulterated food and thereby prohibits  
28 the sale and distribution of such foods.

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

34 Senate Bill No. 1816 (1R) of 1988, which was enacted as P.L.1989,  
35 c.203 on December 8, 1989, prohibited the distribution and sale of  
36 food processed utilizing radiation for a two-year period. P.L.1989,  
37 c.203 expired on December 8, 1991. The Senate and the General  
38 Assembly passed Senate Bill No. of 1816 (1R) of 1988, which would  
39 have permanently banned the distribution and sale of irradiated food,  
40 by votes of 26-3 and 66-3, respectively; however, the Governor  
41 returned the bill with a recommended amendment to adopt a two-year  
42 moratorium instead of a permanent ban, and both Houses concurred.  
43 This bill would impose a permanent ban on the distribution and sale of  
44 irradiated food, fulfilling the legislative intent of Senate Bill No. 1816  
45 of 1988 as it originally passed both Houses during the 1988-89  
46 session.

1 By imposing a permanent ban on the distribution and sale of  
2 irradiated food, the bill resolves legislatively the continuing  
3 controversy over the health effects of consuming irradiated food,  
4 which includes concerns raised by scientific experts about the  
5 possibility that the ionized radiation process may result in chemical  
6 changes in food which may cause cancer, birth defects or other  
7 disorders, and concerns about the inconclusive nature of tests on  
8 irradiated food conducted by the federal Food and Drug  
9 Administration, as well as troubling questions about the safety of food  
10 irradiation plants and the potential health consequences for plant  
11 employees and neighbors.

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16 Prohibits distribution and sale of irradiated food.

WITHDRAWN