

103D CONGRESS
1ST 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.

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 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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