

CS FOR HOUSE BILL NO. 217(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/19/18

Referred: Finance

Sponsor(s): REPRESENTATIVES TARR, Neuman, Drummond, Kawasaki, Gara, Pruitt

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for risks inherent in farm touring; relating to the state**
2 **and municipal procurement preferences for agricultural products harvested in the state**
3 **and fisheries products harvested or processed in the state; relating to merchandise sold**
4 **and certain fees charged or collected by the Department of Natural Resources; relating**
5 **to the Alaska Food, Drug, and Cosmetic Act; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 SHORT TITLE. This Act may be known as the Alaska Food Freedom Act.

10 * **Sec. 2.** AS 03.05.010 is amended by adding a new subsection to read:

11 (c) The commissioner of natural resources may sell promotional merchandise
12 related to the "Alaska Grown" trademark and may charge or collect a fee for the sale
13 of promotional merchandise related to the "Alaska Grown" trademark. The
14 commissioner may issue a license and charge a license fee for the sale of promotional

1 merchandise related to the "Alaska Grown" trademark. The commissioner shall price
 2 merchandise sold by the commissioner under this subsection in a manner that ensures
 3 a reasonable monetary return to the state. To the extent practicable, the commissioner
 4 shall sell only merchandise produced or manufactured in the United States that,
 5 subject to AS 36.30, is procured from either an Alaska bidder or a person that employs
 6 prisoners under AS 33.30.191(b).

7 * **Sec. 3.** AS 09.65.290(e)(3) is amended to read:

8 (3) "sports or recreational activity"

9 (A) means a commonly understood sporting activity, whether
 10 undertaken with or without permission, including baseball, softball, football,
 11 soccer, basketball, hockey, bungee jumping, parasailing, bicycling, hiking,
 12 swimming, skateboarding, horseback riding and other equine activity, **farm**
 13 **touring**, dude ranching, mountain climbing, river floating, whitewater rafting,
 14 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
 15 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
 16 telemarking, snow sliding, snowmobiling, off-road and all-terrain vehicle use;

17 (B) does not include

18 (i) boxing contests, sparring or wrestling matches, or
 19 exhibitions that are subject to the requirements of AS 05.10;

20 (ii) activities involving the use of devices that are
 21 subject to the requirements of AS 05.20; or

22 (iii) skiing or sliding activities at a ski area that are
 23 subject to the requirements of AS 05.45.

24 * **Sec. 4.** AS 09.65.290(e) is amended by adding a new paragraph to read:

25 (4) "farm touring" means briefly visiting a farm to observe or
 26 experience aspects of raising, growing, producing, cultivating, harvesting, or
 27 processing an agricultural product as a tourist, without receiving pay.

28 * **Sec. 5.** AS 17.20 is amended by adding a new section to article 7 to read:

29 **Sec. 17.20.335. Exemptions for certain in-state food production.** (a) Except
 30 as otherwise provided under this section, the licensing, permitting, certification,
 31 packaging, and inspection requirements under this chapter or regulations adopted

1 under this chapter do not apply to

2 (1) a food that is sold directly by the producer to the end consumer;

3 (2) a food that is only for home consumption;

4 (3) a food that is sold in the state;

5 (4) a food that is not involved in interstate commerce;

6 (5) a food that is part of a gross sale of \$25,000 or less; and

7 (6) the sale of meat products, except for

8 (A) poultry and poultry products;

9 (B) live animals intended for slaughter;

10 (C) portions of animals for future delivery if the purchaser, or a
11 processing facility licensed by the state or a federal agency, processes the
12 animals.

13 (b) If food exempt under (a) of this section is not processed, prepared, or
14 packaged in a permitted, approved, or inspected facility, the producer of the food shall
15 conspicuously display to consumers the statement "THIS PRODUCT WAS MADE IN
16 A PRIVATE FACILITY THAT IS NOT SUBJECT TO STATE OR MUNICIPAL
17 REGULATION"; to comply with this subsection, the statement must be

18 (1) set out on a card, placard, or sign that is conspicuously posted at
19 the point of sale; or

20 (2) conspicuously displayed on the label of food that is packaged.

21 (c) Notwithstanding an exemption under (a) of this section, the Department of
22 Environmental Conservation may inspect or investigate food when investigating a
23 food-borne illness.

24 (d) Food exempt under (a) of this section is subject to AS 17.20.044 -
25 17.20.048.

26 (e) The seller of food exempt under (a) of this section may sell it on an
27 Internet website so long as the seller delivers the food to the buyer at the farm from
28 which the food was produced, or, if identified and designated by the seller on the
29 seller's Internet website, the seller may deliver the food to the buyer

30 (1) at a farmers' market; or

31 (2) through a person representing the seller.

1 (f) In this section, "farmers' market" means a physical place where two or
2 more farmers sell food directly to end consumers of the food.

3 * **Sec. 6.** AS 29.71.040(a) is repealed and reenacted to read:

4 (a) If a municipality that receives state money seeks to purchase an
5 agricultural product and an agricultural product harvested in the state is available that
6 is of like quality compared with a similar agricultural product harvested outside the
7 state, the municipality

8 (1) shall purchase the product harvested in the state if the product is
9 priced not more than seven percent above the similar product harvested outside the
10 state;

11 (2) may purchase the product harvested in the state only if the product
12 is priced not more than 15 percent above the similar product harvested outside the
13 state.

14 * **Sec. 7.** AS 29.71.040(b) is repealed and reenacted to read:

15 (b) If a municipality that receives state money seeks to purchase a fisheries
16 product and a fisheries product harvested or processed within the jurisdiction of the
17 state is available that is of like quality compared with a similar fisheries product
18 harvested or processed outside the jurisdiction of the state, the municipality

19 (1) shall purchase the product harvested or processed within the
20 jurisdiction of the state if the product is priced not more than seven percent above the
21 similar product harvested or processed outside the jurisdiction of the state;

22 (2) may purchase the product harvested or processed in the jurisdiction
23 of the state only if the product is priced not more than 15 percent above the product
24 harvested or processed outside the jurisdiction of the state.

25 * **Sec. 8.** AS 29.71.040(c) is amended to read:

26 (c) A solicitation by a municipality for the purchase of agricultural or fisheries
27 products **must include written notice of the purchase requirements and limitations**
28 **under (a) and (b) of this section and** [SHALL] specify [THE REQUIREMENT] that
29 **agricultural** products harvested in the state **and fisheries products harvested or**
30 **processed within the jurisdiction of the state will** [SHALL] be used where possible,
31 **subject to the limitations under (a) and (b) of this section.** If a municipality that

1 receives state money purchases agricultural **products harvested outside the state** or
 2 fisheries products harvested **or processed** outside the **jurisdiction of the** state, the
 3 municipal officer responsible for the purchase shall certify in writing the reasons that
 4 **agricultural** products harvested in the state **or fisheries products harvested or**
 5 **processed within the jurisdiction of the state** were not purchased.

6 * **Sec. 9.** AS 36.15.050(a) is amended to read:

7 (a) When agricultural products are purchased by the state or by a school
 8 district that receives state money, a [SEVEN PERCENT] preference **not less than**
 9 **seven percent nor more than 15 percent** shall be applied to the price of [THE]
 10 products harvested in the state.

11 * **Sec. 10.** AS 36.15.050(b) is amended to read:

12 (b) When fisheries products are purchased by the state or by a school district
 13 that receives state money, a [SEVEN PERCENT] preference **not less than seven**
 14 **percent nor more than 15 percent** shall be applied to the price of [THE] products
 15 harvested or processed within the jurisdiction of the state.

16 * **Sec. 11.** AS 36.15.050(c) is amended to read:

17 (c) A solicitation for the purchase of agricultural or fisheries products **must**
 18 **include written notice of the preferences under (a) and (b) of this section and**
 19 [SHALL] specify [THE REQUIREMENT] that **agricultural** products harvested in the
 20 state **and fisheries products harvested or processed within the jurisdiction of the**
 21 **state will** [SHALL] be used where possible. If the state or a school district that
 22 receives state money purchases agricultural **products harvested outside the state** or
 23 fisheries products harvested **or processed** outside the **jurisdiction of the** state, the
 24 officer responsible for the purchase shall certify in writing the reasons that
 25 **agricultural** products harvested in the state **or fisheries products harvested or**
 26 **processed within the jurisdiction of the state** were not purchased.

27 * **Sec. 12.** AS 37.05.146(c) is amended by adding a new paragraph to read:

28 (90) fees collected by the Department of Natural Resources under
 29 AS 03.05.010(c).

30 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 APPLICABILITY. AS 09.65.290, as amended by secs. 3 and 4 of this Act, applies to
2 acts or omissions occurring on or after the effective date of this Act.

3 * **Sec. 14.** This Act takes effect July 1, 2019.