



**SB108: FINFISH FARMS AND PRODUCTS
SECTIONAL ANALYSIS**

Version A

Section 1: amends the Department of Natural Resources (DNR) definition for “agricultural facility” to include a finfish farm.

Section 2: amends the DNR definition for “agricultural operation” to include finfish farming.

Section 3: amends the powers and duties of the Department of Fish and Game (ADF&G) Commissioner to authorize the permitting and regulation of finfish farming.

Section 4: conforming amendment referencing the new statute for finfish farm permits in the Board of Fisheries authority statute that prohibits adoption of regulations or taking action regarding the issuance, denial, or conditioning of a finfish farm permit or the construction or operation of a finfish farm – consistent with existing language for aquatic farm and hatchery permits as well as aquatic stock acquisition permits.

Section 5: conforming amendment clarifying the Board of Fisheries may not adopt regulations for the rearing and sale of fish from private ponds; this activity is now authorized under the new statutory framework for finfish farms.

Section 6: conforming amendment exempting permitted finfish farm activities as well as a person or vessel employed in an activity under these permits from other fish and game statutes related to different uses of fish and wildlife resources such as hunting and fishing permits, licenses, and vessel registration – consistent with the current exemption for aquatic farm and hatchery permits as well as aquatic stock acquisition permits.

Section 7: conforming amendment to exempt finfish stock and finfish farm products from purchasing, identification and other requirements that apply to fish processors and buyers and commercial fishing permit holders – consistent with existing statutory language for aquatic farm products and stock from aquatic stock acquisition permits.

Section 8: amends the Finfish farming prohibited statutes to allow the growing or cultivation of finfish under the newly created finfish farm permits.

Section 9: adds new sections for finfish farm permits and related definitions. The permits are triennial and subject to restrictions set out in this section, including the Alaska Food, Drug, and Cosmetic Act, permit terms and conditions necessary to protect natural fish and wildlife,

application fees, and regulations adopted in consultation with the Department of Environmental Conservation governing all aspects of finfish farming. This includes eligibility, location, operations, disease control, finfish stock and products, and any other matters necessary to implement this section and protect wild stocks of fish and game in the state. This section also requires all finfish at or sold from a farm to be triploid (sterile). The definitions limit this aquatic farming activity to bony finfish species except for salmon and an inland, closed-system water body enclosed within an escape-proof barrier.

Section 10: conforming amendment to exempt permitted finfish farm activities from the statutes that regulate entry into Alaska’s commercial fisheries – consistent with existing language for aquatic farm and hatchery permits as well as aquatic stock acquisition permits.

Section 11: conforming amendment to the Alaska Seafood Marketing Institute’s definition of “seafood” to include finfish farm products.

Section 12: conforming amendment to the powers and duties statutes for the Department of Environmental Conservation (DEC) Commissioner to authorize the permitting and regulation of finfish farms, including standards and conditions of operations, restrictions on chemical use, monitoring products for compliance, and other requirements into existing authorities for aquatic farms and hatcheries.

Section 13: adds finfish farms to the Alaska Food, Drug, and Cosmetic Act statute authorizing an officer or employee designated by the DEC commissioner to inspect a factory, aquatic farm, or establishment of a DEC permit holder.

Section 14: adds finfish farms to the Alaska Food, Drug, and Cosmetic Act statute authorizing the DEC commissioner or agent to have free access to a factory, warehouse, or establishment in which foods or cosmetics are manufactured, processed, packed, or held for introduction into commerce to inspect for violations and secure samples.

Section 15: conforming amendment to add definitions for finfish farm and finfish farm products to the Alaska Food, Drug, and Cosmetic Act.

Section 16: conforming amendment adding language to uncodified law requesting the revisor of statutes to change section heading of AS 16.40.210 from "Finish farming prohibited" to "Finfish farming prohibited without a permit" – consistent with section 8 of this bill.

Section 17: immediate effective date.