

ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

HB217 Version O (RES) - Alaska Food Freedom Act Sectional Analysis

Section 1 – Establishes Short Title as Alaska Food Freedom Act

Concerns about states enforcing the federal Food Safety Modernization Act prompted farmers across the country, including Alaska, to pass laws to guarantee the freedom of farmers to sell directly to end consumers without overwhelming government regulations.

Section 2 –Amends powers of Commissioner of Department of Natural Resources to sell promotional merchandise related to the Alaska Grown logo

Allows the Division of Agriculture within the Department of Natural Resources to issue a license and charge a license fee for the sale of promotional merchandise related to the Alaska Grown logo. The commissioner shall price the merchandise in a manner that ensures a reasonable monetary return to the state. It is encouraged that the merchandise be manufactured in the US and is procured from either an Alaska bidder or a person that employs Alaska prison inmates.

Section 3 – Amends Alaska Code of Civic Procedures, civil liability for sports and recreation activities

Provides more freedom from civil liability to farmers who operate “farm tours”

Section 4 – Defines farm touring

Farm touring means briefly visiting a farm to observe or experience aspects of raising, growing, producing, cultivating, harvesting, or processing an agricultural product as a tourist, without receiving pay.

Section 5 - Amends Food, Drugs and Cosmetic Act's Prohibited Acts Section, to allow exemptions from licensing for some in-state food production

Allows direct sales from farmers to consumers for certain Alaska Grown food and food products with appropriate labeling; allows online sales of value-added food products; defines farmers' markets.

Section 6 – Rewrites municipal procurement code preference for Alaska Grown agricultural products

If receiving state money, a municipality is currently required to purchase Alaska Grown agriculture products if they are priced not more than seven percent above a similar product harvested outside the state; this would give flexibility to purchase the product if priced not more than 15 percent above a similar product harvested outside the state.

Section 7 - Rewrites municipal procurement code preference for Alaska-grown fisheries products

If receiving state money, a municipality is currently required to purchase Alaska Grown seafood products if they are priced not more than seven percent above a similar product harvested outside the state; this would give flexibility to purchase the product if priced not more than 15 percent above a similar product harvested outside the state.

Section 8 – Amends municipal solicitation procedure for procurement code preference for Alaska-grown agricultural and fisheries products

If receiving state money, a solicitation by a municipality for the purchase of Alaska Grown agriculture and seafood products must include written notice that these products must follow the rules of Section 4 and 5. Further, if they don't purchase Alaska Grown products, the municipal officer shall certify in writing the reasons why Alaska Grown products were not purchased.

Section 9 - Amends state preferences for Alaska Grown agricultural products

When agricultural products are purchased by the state or by a school district that receives state money, they are currently required to purchase Alaska Grown products if they are priced not more than seven percent above a similar product harvested outside the state; this would give flexibility to purchase the product if priced not more than 15 percent above a similar product harvested outside the state.

Section 10 - Amends state preferences for Alaska Grown fisheries products

If fisheries products are purchased by the state or by a school district that receives state money, they are currently required to purchase Alaska Grown products if they are priced not more than seven percent above a similar product harvested outside the state; this gives flexibility to purchase the product if priced not more than 15 percent above a similar product harvested outside the state.

Section 11 - Amends state solicitation procedure for procurement preferences for Alaska Grown fisheries and agricultural products

If receiving state money, a solicitation by a state or school district for the purchase of Alaska Grown agriculture and seafood products must include written notice that these products must follow the rules of Sections 7 and 8. Further, if they don't purchase Alaska Grown products, the officer responsible shall certify in writing the reasons why Alaska Grown products were not purchased.

Section 12 – Amends Public Finance Fiscal Procedures Act to collect fees

Allows the commissioner of the Department of Natural Resources to collect fees for Alaska Grown promotional merchandise.

Section 13 – Clarifies civil liability for farm touring

Farm touring applicability in new section of AS 09.65.290 is effective after the effective date of this Act.

Section 13 – Effective date

The effective date is July 1, 2019.