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Wayne
3/22/18

CS FOR HOUSE BILL NO. 217()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

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

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

commissioner may issue a license and charge a license fee for the sale of promotional merchandise related to the "Alaska Grown" trademark. The commissioner shall price merchandise sold by the commissioner under this subsection in a manner that ensures a reasonable monetary return to the state. To the extent practicable, the commissioner shall sell only merchandise produced or manufactured in the United States that, subject to AS 36.30, is procured from either an Alaska bidder or a person that employs prisoners under AS 33.30.191(b).

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

(3) "sports or recreational activity"

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

(B) does not include

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

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

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

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

(4) "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.

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

Sec. 17.20.335. Exemptions for certain in-state food production. (a) Unless necessary to prevent immediate harm to public health or public safety, and except as

otherwise provided under this section, a licensing, permitting, certification, packaging, or inspection requirement under this chapter or under a regulation adopted under this chapter does not apply to a food that

- (1) is sold directly by the producer to the end consumer;
- (2) is only for home consumption;
- (3) is sold in the state;
- (4) is not involved in interstate commerce; and
- (5) is part of a gross sale of \$25,000 or less.

(b) If food exempt under (a) of this section is not processed, prepared, or packaged in a permitted, approved, or inspected facility, the producer of the food shall conspicuously display to consumers the statement "THIS PRODUCT IS NOT SUBJECT TO STATE OR MUNICIPAL REGULATION" or "THESE PRODUCTS ARE NOT SUBJECT TO STATE OR MUNICIPAL REGULATION"; to comply with this subsection, the statement must be

- (1) set out on a card, placard, or sign that is conspicuously posted at the point of sale; or
- (2) conspicuously displayed on the label of food that is packaged.

(c) Notwithstanding an exemption under (a) of this section, the Department of Environmental Conservation may

- (1) inspect or investigate a food when investigating a food-borne illness;
- (2) test for or require a test of the relative acidity or alkalinity of a food and maintain a copy of the test results.

(d) Food exempt under (a) of this section is subject to AS 17.20.020 - 17.20.048 and 17.20.230 - 17.20.270.

(e) An exemption under (a) of this section does not apply to food that is or contains meat, fish, shellfish, or raw milk. In this subsection, "meat" does not include poultry.

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

website, the seller may deliver the food to the buyer

(1) at a farmers' market; or

(2) through a person representing the seller.

(g) In this section, "farmers' market" means a physical location designated for the sale of food, where two or more farmers sell food that the farmers produced directly to end consumers of the food during regularly scheduled hours.

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

(a) A municipality that receives state money to purchase an agricultural product that is harvested in the state shall purchase the product harvested in the state if the product is

(1) available and is of like quality compared with a similar agricultural product harvested outside the state; and

(2) priced not more than 15 percent above the similar product harvested outside the state.

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

(b) A municipality that receives state money to purchase a fisheries product that is harvested or processed within the jurisdiction of the state shall purchase the product harvested or processed within the jurisdiction of the state if the product is

(1) available and is of like quality compared with a similar fisheries product harvested or processed outside the jurisdiction of the state; and

(2) priced not more than 15 percent above the similar product harvested or processed outside the jurisdiction of the state.

* **Sec. 8.** AS 36.15.050(a) is amended to read:

(a) When agricultural products are purchased by the state or by a school district that receives state money, a [SEVEN PERCENT] preference **of 15 percent** shall be applied to the price of [THE] products harvested in the state.

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

(b) When fisheries products are purchased by the state or by a school district that receives state money, a [SEVEN PERCENT] preference **of 15 percent** shall be applied to the price of [THE] products harvested or processed within the jurisdiction of the state.

1 * **Sec. 10.** AS 37.05.146(c) is amended by adding a new paragraph to read:

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

4 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

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

8 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: REGULATIONS. The Department of Environmental Conservation
11 may adopt regulations necessary to implement this Act. The regulations take effect under
12 AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
13 implemented by the regulation.

14 * **Sec. 13.** Section 12 of this Act takes effect immediately under AS 01.10.070(c).

15 * **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect January 1, 2019.