

# ALASKA STATE LEGISLATURE

**Session:**  
**State Capitol Building**  
**Room 428**  
**Juneau, Alaska 99801-2186**  
**Phone (907) 465-3004**  
**Fax: (907) 465-2070**  
**Toll Free: (877) 465-3004**



**Interim:**  
**1292 Sadler Way, Ste. 308**  
**Fairbanks, Alaska 99701**  
**Phone: (907) 452-1088**  
**Fax: (907) 452-1146**  
**Toll Free: (877) 465-3004**

## REPRESENTATIVE STEVE THOMPSON DISTRICT 10

### SECTIONAL ANALYSIS (version M)

**HB 191** – *“An Act establishing a state department of agriculture and food and relating to its powers and duties; relating to the powers and duties of the Department of Environmental Conservations and the Department of Natural Resources; and providing for an effective date.”*

**Sec. 1, 2 & 3.** Set forth the powers and duties of the Commissioner of the Department of Agriculture and Food and exempts retail food establishments from the department’s purview.

**Sec. 4.** Defines “commissioner” and “department” in AS 03.05.011

**Sec. 5.** States those powers over fish and fisheries products remain under the auspices of the Department of Environmental Conservation.

**Sec. 6.** Puts the appointment of the state veterinarian under the purview of the Commissioner of Agriculture and Food.

**Sec. 7.** Puts the appointment of the state coordinator for noxious weed, invasive plant, and agricultural pest management under the powers of the Commissioner of Agriculture and Food.

**Sec. 8.** Gives the power of inspection to the Commissioner of Agriculture and Food with exceptions.

**Sec. 9.** Puts forth that the Commissioner of Agriculture and Food has jurisdiction over agricultural products and animals except for fish and fish products and that the Commissioner of DEC has jurisdiction over retail food establishments, fish or fisheries products and establishments.

**Sec. 10.** Puts elk farming, licensing and elk farm inspections under the powers of the new Department of Agriculture.

**Sec. 11.** States that the Commissioner of the Department of Agriculture and Food shall provide the Department of Fish and Game with copies of elk farming applications and licenses.

**Sec. 12.** Fencing standards for elk shall be established under the Department of Agriculture and Food.

**Sec. 13.** Puts the power to regulate elk farming in the Department of Agriculture and Food.

**Sec. 14.** Sets forth criminal penalties for violations of regulations under this chapter made by the Departments of Agriculture and Food and Environmental Conservation.

**Sec. 15.** Sets forth civil fines for violations of quarantines or embargos made by the Departments of Agriculture and Food and Environmental Conservation.

**Sec. 16.** States that the Department of Agriculture, the Department of Environmental Conservation or a court may impose civil fines authorized by this chapter.

**Sec. 17.** Redefines “animal” to exclude fish or fisheries products.

**Sec. 18.** Adds new definitions to this chapter, to include “commissioner”, “department”, and “retail food establishment.”

**Sec. 19.** States that the Commissioner of Agriculture and Food shall appoint the director of the Board of Agriculture and Conservation to oversee the daily operations of the agricultural revolving loan fund (ARLF).

**Sec. 20.** The Commissioner of Agriculture and Food shall set the regulations for disposal of property acquired by the ARLF to ensure that the property is disposed of as so to maximize the return to the state.

**Sec. 21 - 23.** Amends definitions to conform to the Department of Agriculture

**Sec. 24 - 26.** Puts the plant materials center under the purview of the Department of Agriculture and Food and the University of Alaska.

**Sec. 27.** Judicial orders concerning livestock districts must be served upon the Commissioner of the Department of Agriculture and Food.

**Sec. 28.** Instructs that a brand or mark that identifies ownership of livestock shall be recorded by the commissioner of Agriculture and Food.

**Sec. 29.** Defines that the commissioner in this chapter is the Commissioner of the Department of Agriculture and Food.

**Sec. 30 – 35.** Puts beekeeping under the purview of the Department of Agriculture and Food.

**Sec. 36.** Puts the care of animals and the control of dogs under the powers of the Department of Agriculture and Food.

**Sec. 37.** Puts organic food and agricultural products under the purview of the Department of Agriculture and Food.

**Sec. 38.** Sets out the role of the Department of Agriculture and Food in assisting in the development and implementation in the farm-to-school program.

**Sec. 39.** Sets forth the powers and duties of the Commissioner of Agriculture and Food.

**Sec. 40.** Sets forth the duties of the Commissioner of the Department of Environmental Conservation to conform to the duties of the Department of Agriculture.

**Sec. 41.** Puts the power to regulate food standards under the Department of Agriculture and Food.

**Sec. 42.** Keeps the power to regulate fish and fish products under the Department of Environmental Conservation.

**Sec. 43 & 44.** Put the duty to regulate hormone labeling in milk under the Department of Agriculture and Food.

**Sec. 45.** Separates out the responsibilities of the Department of Agriculture and the Department of Conservation when it comes to tolerances for added poisonous ingredients.

**Sec. 46.** Puts misbranded food under the jurisdiction of the Department of Agriculture and food and fish under the Department of Environmental Conservation.

**Sec. 47 & 48.** Separates the responsibilities for the sales and labeling of frozen meat, fish, and poultry between the Department of Agriculture Food and the Department of Environmental Conservation.

**Sec. 49.** Changes the definition of “retail food establishment”.

**Sec. 50.** Separates the responsibility for emergency permit controls between the Department of Agriculture and Food and the Department of Environmental Conservation.

**Sec. 51.** Defines which department is responsible for suspension and reinstatements of emergency permits.

**Sec. 52, 53 & 54.** Defines that the Department of Environmental Conservation is responsible for seafood processing permits and plans of operation, seafood product quality standards and seals, and seafood processing research.

**Sec. 55 & 56.** Separate out inspection and enforcement authority between the Department of Agriculture and Food and the Department of Environmental Conservation.

**Sec. 57.** Allows the Department of Agriculture and Food to adopt regulations for efficient enforcement of its respective portions of this chapter.

**Sec. 58.** Allows the Commissioner of Environmental Conservation access to establishments where fish or fisheries products are manufactured.

**Sec. 60.** Grants the Department of Agriculture and Food the ability to publish reports.

**Sec. 61.** Grants the Department of Environmental Conservation the ability to publish reports.

**Sec. 62.** Grants the Commissioner of Agriculture and Food the ability to disseminate information regarding agricultural food.

**Sec. 63.** Gives the Department of Environmental Conservation the power to detain or embargo fish or fish products that are dangerous or fraudulent.

**Sec. 64.** Gives the Department of Agriculture and Food the power to detain or embargo agricultural food that is adulterated or misbranded in a manner that is dangerous or fraudulent.

**Sec. 65.** Adds the Department of Agriculture and Food to the departments that can petition for condemnation of a food.

**Sec. 66.** Allows the Department of Agriculture and Food to destroy adulterated or misbranded goods under its purview.

**Sec. 67.** Gives the Department of Agriculture the oversight of relabeling of misbranded food items under the department's purview.

**Sec. 68.** Gives the Department of Agricultural and Food the oversight of destruction of contaminated food items under the department's purview.

**Sec. 69.** Gives the Department of Agriculture and Food the ability to apply to the superior court for injunctions against person's violating provisions of this chapter.

**Sec. 70.** Conforming provision.

**Sec. 71.** Grants the Department of Agriculture and Food the power to enforce the provisions of this chapter.

**Sec. 72.** States that the Department of Agriculture and Food has the power to impose civil fines for serious violations of this chapter.

**Sec. 73.** States that nothing in this chapter requires the Department of Agriculture and Food to report minor violations.

**Sec. 74.** States that the Attorney General is to prosecute violations reported by the Department of Agriculture and Food.

**Sec. 75.** Amends definitions to conform to the new Department of Agriculture and Food.

**Sec. 76 - 82.** Conforming amendments to include the new Department of Agriculture and Food.

**Sec. 83.** Defines the powers of the Department of Agriculture and Food.

**Sec. 84.** Conforming amendment

**Sec. 85.** Adds the Department of Agriculture and Food with reference to the Alaska grain reserve program to the list under the Administrative Procedure Act.

**Sec. 86.** Repealers

**Sec. 87** Gives the Department of Agriculture and Food the ability to adopt, amend, and repeal regulations as necessary.

**Sec. 88 & 89.** Effective dates.