HOUSE BILL NO. 217

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TARR, Neuman

Introduced: 4/7/17
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the Alaska Food, Drug, and Cosmetic Act; relating to the sale of milk, milk products, raw milk, and raw milk products; and providing for an effective date."

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

*** Section 1.** AS 17.20.005 is amended to read:

Sec. 17.20.005. Powers and duties of commissioner. To carry out the requirements of this chapter, the commissioner may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) food offered to the public or sold, including

(A) inspection of meat, fish, poultry, and other food products;

(B) standards of sanitation and handling methods for all phases of slaughtering, processing, storing, transporting, displaying, and selling;

(C) labeling; and

(D) the training, testing, and certification requirements for

individuals who handle or prepare food, their supervisors, and their employers to ensure their knowledge of food safety and sanitation principles and requirements;

(2) control and eradication of pests;

(3) enforcement of hazard analysis critical control point programs for seafood processing that are developed in cooperation with appropriate industry representatives or, to the extent not inconsistent with this chapter or regulations adopted under the authority of this chapter, that are established by regulations of the United States Food and Drug Administration as they may periodically be revised;

(4) labeling, subject to AS 17.20.013 **and 17.20.015**, and grading of milk and milk products and standards of sanitation for dairies offering to the public or selling milk or milk products to at least the minimum of current recommendations of the United States Public Health Service pasteurized milk ordinance as it may periodically be revised**, subject to AS 17.20.015**;

(5) standards and conditions for the operation and siting of aquatic farms and related hatcheries, including

(A) restrictions on the use of chemicals; and

(B) requirements to protect the public from contaminated aquatic farm products that pose a risk to health;

(6) monitoring aquatic farms and aquatic farm products to ensure compliance with this chapter and, to the extent not inconsistent with this chapter or regulations adopted under the authority of this chapter, with the requirements of the national shellfish sanitation program manual of operations published by the United States Food and Drug Administration as it may periodically be revised;

(7) tests and analyses that may be made and hearings that may be held to determine whether the commissioner will issue a stop order or quarantine;

(8) transportation of, use of, disposal of, recalls of, or warnings concerning quarantined or embargoed items;

(9) cooperation with federal and other state agencies.

*** Sec. 2.** AS 17.20 is amended by adding a new section to read:

Sec. 17.20.015. Sale of raw milk products. (a) A person that complies with

any state requirements for the sale of raw milk that do not conflict with this section may sell a raw milk product to a final consumer if the principal display panel on the raw milk product prominently states that the raw milk product is not pasteurized and may cause health concerns.

(b) This section does not apply to a sale that is governed by federal law.

(c) In this section,

(1) "raw milk" means milk that is not pasteurized;

(2) "raw milk product" means raw milk or a product or byproduct of raw milk.

*** Sec. 3.** AS 17.20 is amended by adding a new section to article 7 to read:

Sec. 17.20.335. Exemptions. (a) Except as otherwise provided under this section, the licensing, permitting, certification, packaging, and inspection requirements under this chapter or regulations adopted under this chapter do not apply to a food product that

(1) is sold directly by the producer to the end consumer;

(2) is only for home consumption;

(3) occurs only in the state;

(4) does not involve interstate commerce; and

(5) does not involve the sale of meat products, except for

(A) poultry and poultry products;

(B) live animals intended for slaughter;

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

(b) If a food product exempt under (a) of this section is not processed, prepared, or packaged in a permitted, approved, or inspected facility, the producer of the food product shall conspicuously display to consumers the statement "THESE PRODUCTS ARE NOT SUBJECT TO STATE 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 each food product that is packaged.

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

(d) A food product exempt under (a) of this section is subject to AS 17.20.044 - 17.20.048.