



# SB242: Alaska Food Freedom Act

## Senate Health & Social Services Committee

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April 19, 2022



# Increasing Alaska's Food Production and Sales

- 95% of food purchased in Alaska is imported.
- The ongoing pandemic has demonstrated how fragile the Alaskan food supply chain is.
- Governor Dunleavy is committed to addressing this issue through the creation of the Food Security & Independence Taskforce (AO 331).
- Creating broader opportunities for small home-based businesses to make and sell food products will provide more local food options.
- Building a food secure Alaska will also open the doors to greater economic opportunities for home-based businesses.



# National Legislation

- ▶ Most states have cottage food laws, which allow the sale of homemade non-potentially hazardous foods directly from producer to end consumer.
  - ▶ Alaska has had cottage food regulations in place since 2012.
- ▶ Food Freedom Laws expand cottage food exemptions to allow the production of potentially hazardous foods in a home kitchen without regulatory oversight.
  - ▶ Wyoming passed the first Food Freedom Law in 2015.
  - ▶ Since then, Maine, North Dakota, and Utah have passed similar acts.



# Food Category Definitions

- ▶ Potentially hazardous foods are foods that require time or temperature control to reduce the risk of contaminants (pathogens, toxins, etc.) that could cause foodborne illness.
  - ▶ Direct sale between the producer and end consumer.
  - ▶ Examples – heat treated fruits and vegetables, fresh herb-in-oil mixtures, meat, and products made with dairy.
- ▶ Non-potentially hazardous foods are foods that do not require time or temperature control.
  - ▶ Direct sale has been allowed since 2012. Now expanded to allow retail sales.
  - ▶ Examples – pickles, fresh fruits and vegetables, coffee beans, and popcorn.



# Alaska's Food Freedom Act(AFFA) Overview

- ▶ Exempts most homemade food from labeling, licensing, packaging, permitting, and inspection requirements.
- ▶ Codifies DEC's existing cottage food regulations in statute and expands exemptions to allow retail sales of non-potentially hazardous foods.
- ▶ Creates an “animal share” arrangement that would exempt meat producers from oversight if certain conditions are met.
- ▶ Alaska's Food Freedom Act would be the least restrictive in the nation because it allows limited retail sales and the creation of an “animal share” exemption.



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- AS 17.20.331 creates an exemption for the purchase and sale of homemade food products for home consumption and provides applicable restrictions or limitations on transaction requirements, food ingredients, and labeling or signage requirements.
  - Potentially hazardous foods will be allowed for direct sale between the producer and end consumer.
  - Non-potentially hazardous foods are now expanded to allow retail sales.
  - Food products must be produced and sold in Alaska. No interstate commerce allowed.
  - Producer can make up to \$250,000 in gross sales annually.
  - Does not allow the purchase of meat or meat products, seafood, controlled substances, oil rendered from animal fat, and game meat.



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- ▶ AS 17.20.332 establishes conditions and requirements of animal share operations in statute, which would allow the sharing of meat and meat products by individuals participating in a herd share arrangement.
  - ▶ Shared ownership must be established before the animal(s) is slaughtered;
  - ▶ Labeling requirements;
  - ▶ No further sales or distribution allowed.
- ▶ AS 17.20.337 contains clarifications to the bill, including
  - ▶ DEC retains its investigative and regulatory powers;
  - ▶ State agencies may provide assistance, consultation, or guidance at the request of the producer;
  - ▶ the bill shall not be construed as more restrictive than applicable federal requirements; and
  - ▶ the bill does not affect any federal or local laws.



# Sales Allowed Under AFFA

	Retail Sale	Direct Sale	Not exempt
Breads	X	X	
Jams and jellies	X	X	
Vegetable Soup		X	
Chicken tamale		X	
Crab cakes			X
Pickled veggies	X	X	
Kombucha	X	X	
Canned salmon			X
Non-dairy condiments		X	
Cookies and fudge	X	X	
Eggs	X	X	





# Questions?

