

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

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Petersburg · Point Baker · Port Alexander · Port Protection · Sitka · Tenakee Springs · Thorne Bay · Whale Pass

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:
Education
Fisheries
Rules
State Affairs



Juneau, Alaska 99801 (Jan. – April)
State Capitol, Room 426
(907) 465-3732

Sitka, Alaska 99835 (May – Dec.)
201 Katlian Street, Ste. 103
(907) 747-4665

Sectional Analysis

HB 179 version A – Meal program donations; fish and game

Section 1 allows fish, game, marine or aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game lawfully taken for subsistence, sport, or personal use to be donated to food service programs at public or nonprofit schools, medical facilities, multipurpose senior centers, and residential child care facilities.

Section 2 indemnifies donors of fish, game, or other traditional foods to food service programs from civil or criminal liability arising from injury or death attributable to the condition of the donated food if the injury or death is not a result of gross negligence, recklessness, or intentional misconduct of the donor.

Section 3 defines the terms fish, food service program, game, medical facility, multipurpose senior center, other traditional food, and residential child care facility.

Section 4 describes the food safety procedures a food service program must follow when processing foods donated under section 1. These are:

- Ensuring the donated fish and game is received whole, gutted, gilled, as quarters, or as a roast, without further processing;
- Making a reasonable determination a donated animal was not diseased, that it was dressed, transported, and stored to prevent contamination, and that it will not cause a health hazard or potential for illness;
- Processing the donated food at a different time or in a different space than other foods;
- Cleaning and sanitizing surfaces and equipment after handling donated food;
- Labeling the donated food with the name of the food;
- Storing the donated food separately from other food;
- Following federal, state, tribal, and other food safety laws.

Subsection (b) of section 4 indemnifies food service programs or facilities that accept donations under section 1 from civil and criminal liability for injury or death attributable to the condition of donated food if the program inspects the food and finds it fit for human consumption, does not have knowledge of the food being adulterated or contaminated, and if the injury or death is not a result of negligence, recklessness, or intentional misconduct on the part of the program or facility.