

**SENATE BILL NO. 210**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/18/19

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the misrepresentation of seafood and seafood ingredients by retail**  
2   **food establishments."**

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

4    \* **Section 1.** AS 17.20 is amended by adding a new section to read:

5           **Sec. 17.20.042. Misrepresentation of seafood on menu.** (a) A retail food  
6           establishment may not misrepresent on a menu the identity or origin of a seafood or  
7           seafood ingredient in a prepared food product.

8           (b) An employee of a retail food establishment may report a violation of (a) of  
9           this section to the department anonymously.

10          (c) A retail food establishment may not directly or indirectly dismiss, demote,  
11          suspend, lay off, refuse to promote, or otherwise retaliate against an employee who  
12          reports a violation of (a) of this section.

13          (d) A retail food establishment does not violate (a) of this section if the retail  
14          food establishment

(1) verbally warns a customer before the customer places an order that the retail food establishment will substitute another seafood or seafood ingredient for the seafood or seafood ingredient identified on the menu; or

(2) offers, before the misrepresentation is reported to the department, a full refund of the price of the seafood or the prepared food product that contains seafood ingredients to the customer who paid for the seafood or prepared food product.

(e) Notwithstanding AS 17.20.305, a retail food establishment that violates (a) or (c) of this section is guilty of a violation and is punishable as provided in AS 12.55 by a fine of \$500 for each violation, but not to exceed a total of \$50,000 for all violations.

(f) In this section,

(1) "menu" includes a list of food that is given to customers or posted in the retail food establishment;

(2) "seafood" means salmon, halibut, herring, flounder, crab, clam, cod, shrimp, pollock, other finfish and shellfish, and byproducts of salmon, halibut, herring, flounder, crab, clam, cod, shrimp, pollock, and other finfish and shellfish.

\* **Sec. 2.** AS 17.20.075 is amended by adding new paragraphs to read:

(3) "prepared food product" means a food product that has been prepared by the retail food establishment selling the food product or by another person at the direction of the retail food establishment;

(4) "retail food establishment" means a business that sells prepared food products to the general public for consumption on or off the premises, and includes a business that is, or contains on its premises, a restaurant, delicatessen, salad bar, or bakery; "retail food establishment" does not include an establishment that is provided by

(A) an employer primarily for the employees of the employer;

(B) a school primarily for the students and employees of the school; or

(C) a correctional facility primarily for persons held under official detention.

1      \* **Sec. 3.** AS 17.20.049(b)(3) and AS 17.20.049(b)(4) are repealed.