

# LEGAL SERVICES

## DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-2450  
LAA.Legal@akleg.gov  
120 4th Street, Room 3


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

### MEMORANDUM

April 25, 2022

**SUBJECT:** Alaska Food Freedom Act  
(SB 242; Work Order No. 32-GS2521\A.1)

**TO:** Senator David Wilson  
Chair of the Senate Health and Social Services Committee  
Attn: Jasmin Martin

**FROM:** Alpheus Bullard  
Legislative Counsel 

This memorandum accompanies the amendment described above. The amendment imposes certain labeling and signage requirements for food products falling within the "Alaska Food Freedom Act." I have a few comments about the bill itself.

The bill is a governor's bill. It has not yet been reviewed by our office. It requires technical and conforming changes to comply with the *Manual of Legislative Drafting*, clarify language, and conform to the style of the Alaska Statutes. If the Senate Health and Social Services Committee adopts a committee substitute, please provide authority for us to review the bill and make these necessary changes.

The bill also presents material issues that cannot be addressed through our editorial review. For example, proposed sec. 17.20.337(5) provides that nothing in the bill "affects any federal or local laws, regulations, or ordinances regarding food products." The effect of this paragraph is unclear. In addition, I recommend removing the uncodified legislative intent section.<sup>1</sup> Finally, there are a number of substantive provisions in the "definitions" section, proposed sec. 17.20.338,<sup>2</sup> and some of the definitions contain a

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<sup>1</sup> The practice of including an intent section in a bill is discouraged. The *Manual of Legislative Drafting* states:

The purpose or intent of a bill should be clear in the body of the bill or expressed in a letter of intent or other legislative history so that a general provision setting out the purpose or legislative intent of the bill should be unnecessary.

<sup>2</sup> "Substantive provisions of the law must not be hidden in definitions." *Manual of Legislative Drafting* (2021), pg. 51.

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"means"/"includes" structure,<sup>3</sup> among other issues.

If your committee is willing to hold the bill, our office can address these issues in a committee substitute. If it is instead the committee's intent to pass the bill out, you may wish to provide this memorandum to the next committee of referral so that these issues are addressed before the bill advances further through the legislative process.

If you have questions, do not hesitate to contact me.

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Attachment

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<sup>3</sup> "The word 'includes' may be used in a definition but only as an alternative to 'means.'" *Manual of Legislative Drafting*, pg. 52. When these terms are used together, there is always an issue as to what is or is not included within the definition. "Means" is used to show that the definition is all-inclusive.