

SENATE BILL NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY SENATOR THERRIAULT

Introduced: 1/16/07

Referred: Health, Education and Social Services, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale or donation of certain food items."**

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

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

4 **Sec. 17.20.343. Home food items.** (a) A home food item is not subject to
5 regulation by the department under this chapter if the home food item is

6 (1) sold at a local event on a limited local commercial basis; or

7 (2) donated for a charitable organization's use or sale.

8 (b) If a person who sells or provides a home food item at a local event on a
9 limited local commercial basis shall clearly identify the home food item and provide
10 information by which a person can contact the person who grew or processed the
11 home food item.

12 (c) If a person grows, prepares, or processes a home food item for sale on a
13 limited local commercial basis or for donation to a charitable organization for use or
14 sale and owns the home, garden, or farm where the home food item is grown,
15 prepared, or processed, the person is liable to a person who consumes the home food

1 item for the quality and safety of the home food item.

2 (d) If a person consumes a home food item that has been opened, stored,
3 served, or sold at a local event on a limited local commercial basis, a person who
4 opened, stored, served, or sold the home food item at the local event or the person who
5 owns the home, garden, or farm where the home food item was grown, prepared, or
6 processed is liable for the quality and safety of the home food item to the person who
7 consumed the home food item.

8 (e) A person who suffers injuries from consuming a home food item may
9 bring an action in superior court against a person who is liable under (c) or (d) of this
10 section to recover damages for the injuries.

11 (f) This section only applies to a home food item if, without the application of
12 (a) of this section, the home food item would otherwise be regulated by the department
13 under this chapter, except that this section does not apply to a home food item if the
14 department has delegated regulation of the home food item under this chapter to a
15 municipality.

16 (g) In this section,

17 (1) "charitable organization" means a person who is exempt from
18 federal taxation under 26 U.S.C. 501(c) (Internal Revenue Code), but does not include
19 a food bank under AS 17.20.345 - 17.20.347;

20 (2) "department" means the Department of Environmental
21 Conservation;

22 (3) "home food item" means a food item that is grown or processed in
23 a private home, a private garden, or on a farm, but does not include food donated to a
24 food bank under AS 17.20.345 - 17.20.347;

25 (4) "limited local commercial basis" means direct sale to the public, or
26 to small distributors, in the community, neighborhood, or traditional economic area
27 where the home food item is grown, prepared, or processed;

28 (5) "local event" includes a fair, a festival, or a community market;

29 (6) "person" does not include a donor under AS 17.20.345 - 17.20.347;

30 (7) "use" includes sale.