

HOUSE FINANCE COMMITTEE
April 23, 2019
1:30 p.m.

1:30:18 PM

CALL TO ORDER

Co-Chair Wilson called the House Finance Committee meeting to order at 1:30 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Tammie Wilson, Co-Chair
Representative Jennifer Johnston, Vice-Chair
Representative Dan Ortiz, Vice-Chair
Representative Ben Carpenter
Representative Andy Josephson
Representative Gary Knopp
Representative Bart LeBon
Representative Kelly Merrick
Representative Colleen Sullivan-Leonard
Representative Cathy Tilton

MEMBERS ABSENT

None

ALSO PRESENT

Representative John Lincoln, Sponsor; Rose Foley, Staff, Representative John Lincoln; Carmen Lowrey, Executive Director, Alaska Network on Domestic Violence and Sexual Assault; Representative Geran Tarr, Sponsor.

PRESENT VIA TELECONFERENCE

John Skidmore, Director, Criminal Division, Department of Law; Elizabeth Williams, No More Free Passes, Anchorage; Janell Manchester, 49th Rising, Fairbanks; Lynnette Clark, Self, Fox; Suzy Crosby, Cottonwood Farm; Christina Carpenter, Director, Division of Environmental Health, Department of Environmental Conservation; Robert Gerlach, State Veterinarian, Department of Environmental Conservation; Eric Havner, Mat-Su Goat Share Group, Fairbanks; Louisa Castrodale, Veterinary Epidemiologist,

Division of Public Health; Donna Celia, Self, Anchorage; Kelli Krause, Self, Wasilla; Cece Mendosa, Self, Girdwood; Art Griswold, Golden Heart Dairy, Delta Junction; Louisa Castrodale, Veterinary Epidemiologist, Division of Public Health, Department of Health and Social Services.

SUMMARY

HB 14 ASSAULT; SEX OFFENSES; SENT. AGGRAVATOR

HB 14 was HEARD and HELD in committee for further consideration.

HB 16 LOCAL FOOD PROCUREMENT; LABELING

HB 16 was HEARD and HELD in committee for further consideration.

Co-Chair Wilson reviewed the meeting agenda.

#hb14

HOUSE BILL NO. 14

"An Act relating to assault in the first degree; relating to sex offenses; relating to the definition of 'dangerous instrument'; and providing for an aggravating factor at sentencing for strangulation that results in unconsciousness."

1:30:53 PM

REPRESENTATIVE JOHN LINCOLN, SPONSOR, introduced himself and thanked the committee for hearing the legislation intended to fix issues that had come to light the previous year. He referenced the situation where a man had strangled a woman and ejaculated on her while she was unconscious - the man had not received any jail time. The bill would change the law resulting in jail time for specific crimes. He delineated that HB 14 made strangulation to the point of unconsciousness a first degree assault and included the act on the list of aggravating factors for other crimes. In addition, the bill enhanced sexual assault statutes by adding unwanted contact with ejaculate to the definition of sexual contact and provided for victim notification to all sex crime victims, rather than just felony victims. He thanked all the people associated with drafting the bill.

[1:32:38 PM](#)

Representative Josephson supported the legislation. He had been told that due to the amount of case law there was a preference to keep verbiage the same regarding the word "semen." He asked if the issue had been discussed.

ROSE FOLEY, STAFF, REPRESENTATIVE JOHN LINCOLN, replied that at the advice of Legislative Legal Services they had been advised to use the word ejaculate that was specific to both genders. She explained that semen referred only to males and there could be equal protection issues. Semen may or may not encompass all types of male ejaculate. Representative Josephson pointed to the language on page 2, lines 4 through 6, of the bill that made strangulation an assault and noted that the same language established it as an aggravator on page 7. He asked for detail on the decision to include the language twice. Ms. Foley answered that the decision had been made to keep both provisions intact and give the prosecuting attorney and judge as much discretion as possible. She added that in some cases using the aggravator versus the assault might result in a stiffer sentence.

[1:35:26 PM](#)

Representative Carpenter asked what happened if a person was strangled but not to the point of unconsciousness. Ms. Foley answered that the bill applied to a strangulation to the point of unconsciousness. She elaborated that if a person was conscious the crime would be assault in the second degree.

Ms. Foley reviewed the sectional analysis (copy on file):

Section 1: Amends AS 11.41.200(a), classifying strangulation to the point of unconsciousness as assault in the first degree.

Section 2: Amends AS 11.81.900(b)(15), clarifying that "dangerous instrument" with relation to strangulation includes hands or "other body parts".

Section 3: Amends AS 11.81.900(b)(60), to include in the definition of sexual contact "knowingly ejaculating on the victim".

Section 4: Amends AS 12.55.155(c), adding strangulation to the point of unconsciousness to the list of aggravating factors to be considered at sentencing.

Section 5: Amends AS 12.61.015(a), adding all victims of sex crimes to the notification requirements of this statute. This section also adds language to existing subsection (a)(4), directing the prosecuting attorney to record the victim's (or victim's legal guardian's) response to a proposed plea agreement before entering into such an agreement.

Section 6: Amends AS 12.61.015, adding a new subsection (d) and (e). Subsection (d) provides the court may reschedule a plea agreement to allow additional time for the prosecutor to comply with the victim notification requirements. Subsection (e) clarifies that a victim is in no way required to provide a response regarding a plea agreement, nor would the victim's response bind the prosecutor to accept or reject the plea agreement.

Section 7: Establishes that the provisions are applicable only to crimes committed on or after the effective date of the legislation.

Co-Chair Wilson asked about the word "knowingly" in Section 3. She asked how to know if a person knowingly committed an act. Ms. Foley replied that it depended on the intent of the act.

Co-Chair Wilson directed the question to the Department of Law (DOL)

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW (via teleconference), responded that to answer the question he would explain the element of mens rea that was the intention or knowledge of wrongdoing. He stated that in HB 14 the standard was knowingly. He defined knowingly as "aware that the conduct is of that circumstance." The state would need to demonstrate that the defendant recognized that he was engaged in activity that resulted in ejaculate landing on the victim and would use the facts of the case to establish knowingly. The circumstantial evidence would have to be applied since it was impossible to know what was in the person's thought process.

1:40:07 PM

Representative Knopp looked at Section 1 and asked why strangulation to the point of unconsciousness was not considered attempted murder. Mr. Skidmore answered that attempted murder had a very specific element that the person acted with the mens rea of intent; the conscious objective to cause the result. He exemplified that if a person strangled another person to the point of cutting off blood or air to the brain, they may have had a different conscious objective other than attempted murder. The provision in HB 14 did not require a prosecutor to prove attempted murder but there was nothing impacting the statute from also charging attempted murder if additional evidence warranted the charge.

Co-Chair Wilson OPENED public testimony.

ELIZABETH WILLIAMS, NO MORE FREE PASSES, ANCHORAGE (via teleconference), vocalized strong support for the legislation. She believed that the bill sent a cultural message that strangulation was taken seriously in the state. She noted that she was a social worker and had personally worked with many clients that had been strangled and the act was often diminished in the courts. Her organization was in favor of amending the bill to include strangulation not to the point of unconsciousness. She cited SB 12-Assault; Sex Offenses; Sentencing Credit that increased the act of strangulation to Assault in the third and second degree without proof the victim lost consciousness. In addition, they did not want to see time on electronic monitoring to count towards the offender's sentence.

1:44:15 PM

Co-Chair Wilson recognized Senator Lora Reinbold and Representative Geran Tarr in the audience.

CARMEN LOWREY, EXECUTIVE DIRECTOR, ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, testified in support of the legislation. She explained that the network constituted 25 member programs across the state providing victim based services that included shelter. She thanked the bill sponsor for introducing the bill. She remarked that the bill elevated the issue of the lethality of strangulation. She reminded members that strangulation

involved cutting off oxygen to the brain and only took 10 seconds before unconsciousness occurred. Multiple strangulations could bring about long-term health impacts such as a stroke. She indicated that strangulation was difficult to verify; often marks were not left on an individual. Second, she pointed to the value of Section 5 related to victim engagement in plea agreements. She emphasized the importance of the provision. She explained that the provision helped others to learn what the circumstances for strangulation were and about what justice meant for victims. In addition, society learned how and why victims were involved in order to adapt procedures that addressed the issue. She discussed that the bill created a "victim survivor centered" process that gave victims a voice. She reiterated her full support of the bill.

[1:48:14 PM](#)

JANELL MANCHESTER, 49TH RISING, FAIRBANKS (via teleconference), spoke in support of the bill. She underscored that the legislation would help create a safer Alaska and helped address the epidemic of sexual and domestic violence in the state. She offered that survivors were encouraged to report but noted that the legal system was "notoriously unfriendly to survivors." She shared information about a case where a woman had declined to press charges because the police informed her that the defense attorney would "tear her down in court." She did not want survivors to ever have to endure that type of conversation again. She stated the bill would ensure the legal system was more survivor friendly and kept victims safe. The bill included a victim notification system for all sex offenses and stipulated that a court could reschedule a plea agreement if notification did not occur. She favored the bills elevation of the crime of strangulation. She stressed that strangulation was a serious and deadly form of abuse. Victims of strangulation were seven times more likely to be killed by their partners. The legislation provided another tool for victim's advocats that helped ensure survivors safety. Finally, the bill would close the "Schneider" loophole and make nonconsensual contact with ejaculation a form of sexual violence.

[1:50:23 PM](#)

LYNNETTE CLARK, SELF, FOX (via teleconference), spoke in support of the legislation. She shared that she had been a victim of domestic violence and had been choked almost to the point of unconsciousness. She detailed the horrific nature of the experience. She believed that the bill addressed the perpetrators. She favored that the bill granted the judge more discretion and allowed for mitigating factors. She thought that men and women were not safe in present times.

Co-Chair Wilson CLOSED public testimony.

Representative Josephson noted there had been a person who had asked questions about SB 12, which had similarities and differences compared to HB 14.

Co-Chair Wilson interjected that SB 12 was not before the committee. She offered that he could ask about a specific concept.

Representative Josephson asked how HB 14 treated strangulation not to the point of unconsciousness. Mr. Skidmore answered that neither HB 14 nor SB 12 drew a distinction for attempt. He cited AS 11.31 that defined attempt as when a person took a substantial step towards the results defined in the elements of a crime. In the case where someone took substantial steps towards strangulation to the point of unconsciousness the charge resulted in an attempted assault. The impact of attempted assault was a lower charge by one level. He exemplified that strangulation not to the point of unconsciousness resulted in charging a Class B felony versus a Class A felony and an attempt was treated as an Assault II, a Class C felony.

[1:54:32 PM](#)

Representative Josephson understood that the statutory definition of AS 11.31 brought down the classification by one level. He indicated that the only thing added in the bill was the "express inclusion of unconscious." He asked if strangulation would still be charged as Class A, B, or C felony with passage of the bill. Mr. Skidmore was unfamiliar with the concept that strangulation would be charged as an A, B, or C felony. He explained that the current statute defined strangulation as causing injury by means of a dangerous instrument. A dangerous instrument was defined as using hands or other objects to impede normal

breathing or circulation of blood and when combined with physical injury the charge was Assault II and if the injury was severe the charge could be an Assault I. The bill added the term unconsciousness to clearly articulate when the legislature believed strangulation reached the point of serious injury. The bill did not change the definition of serious physical injury and he reiterated that he was uncertain what Representative Josephson was referring to. He noted that there was a theory under Assault III that considered a threat of violent conduct placing the person in fear could be a Class C felony and was like the attempt concept. Representative Josephson cited that Assault III referred to a dangerous instrument in a subsection that lead to the hands in strangulation. He surmised that the assumption in HB 14 was if a victim passed out the strangulation was charged as a Class A felony and if the person did not pass out, but physical injury was proven the charge resulted in a Class B felony. He asked for concurrence. Mr. Skidmore agreed with the conclusion.

Co-Chair Wilson asked about the provision that allowed electronic monitoring counting as time served. She wondered whether the court was required to offer credit or if the judge had discretion. Mr. Skidmore answered that the case law that supported the statute made it highly unlikely that credit for time served would not be awarded.

[1:58:25 PM](#)

Co-Chair Wilson remembered that the statute stated "may," but she wanted Mr. Skidmore to clarify the statute and place it on the record.

[1:58:50 PM](#)

AT EASE

[1:59:48 PM](#)

RECONVENED

Mr. Skidmore was currently looking at the documents and needed a couple of additional minutes. He offered to provide the answer via email.

Co-Chair Wilson asked Mr. Skidmore to provide the information the following morning.

Mr. Skidmore noted he would be on a plane at that time, but he would provide the information to a colleague.

HB 14 was HEARD and HELD in committee for further consideration.

#hb16

HOUSE BILL NO. 16

"An Act relating to the Alaska Food, Drug, and Cosmetic Act; and relating to the sale of milk, milk products, raw milk, and raw milk products."

2:01:03 PM

REPRESENTATIVE GERAN TARR, SPONSOR, she provided background on the bill. She indicated that she had been looking into efforts and initiatives to grow the state's agriculture industry. Improving food security was a goal because around 95 percent of food consumed in Alaska originated outside of Alaska. She noted that 67 percent of Alaskan farmers would produce more if more market options were available. She shared that if Alaskan's spent \$5 each week on Alaska agriculture products it would generate \$188 million into the state's economy. She informed the committee that currently there was only one dairy operating in the state. However, at statehood Alaska had over 525 farms that provided half the agriculture products consumed in the state. She listed various places in the state that had dairies including Juneau, where the last dairy closed in 1965. She indicated that herd share programs were a continuation of the last efforts to provide dairy in the state on a small scale. She detailed that the herd share program allowed individuals to become part owner of the herd and the milk produced by the herd. She pointed to the Herd Share Agreement included in the members bill packets[to allow owners to receive raw milk products in addition to "Raw Milk - Cow, Goat, Sheep "Shares" document (copy on file)] and stated that the agreement was very detailed. She communicated that the share was a closed-loop system that built in a safety component through co-ownership. Currently, Department of Environmental Conservation (DEC) regulatory language permitted farmers to sell shares of their dairy animals to the public. She shared information about work done in the past year with farmers to develop the bill. The bill would turn some of the regulatory language into statute, which strengthened the program. In

addition, the bill allowed value added products because consumers valued convenience. The value added products would include cheese, butter, ice cream, kefir, and other dairy products. House Bill 16 would guarantee that farmers would thrive in the Alaskan marketplace.

[2:07:06 PM](#)

Representative Tarr continued to address the bill. She took a cautious approach to the bill with consumer and food safety in mind. She desired a system that offered informed consumer choice and allowed individuals to purchase the products they want.

Representative Sullivan-Leonard thanked the sponsor for presenting the bill. She looked at the State of Alaska Epidemiology Bulletin handout in members' packets ["Foodborne Illness and Complaint Reports Summary - Alaska, 2015-2017" (copy on file)] and did not see anything about illnesses caused by raw milk. Representative Tarr responded that traditionally, Alaskans had health issues with some subsistence foods they enjoyed eating and the bulletin was a more general discussion. She pointed to the fiscal note that included two incidents in 2011 and 2013. She delineated that she researched the historical circumstances that led to the pasteurization and homogenization of milk. She explained that food had been produced locally, and illnesses began to erupt when the distance between farms and populations became significant and required multiday travel to reach the consumer. She offered that most of the herd share operators were small and knew their animals well. Cleanliness was important and safety was paramount. Herd share operators were very committed to safety. Representative Sullivan-Leonard referenced farmers markets in Alaska that sold cheeses and other goat or cow products. She asked whether farmers were using raw milk and if the industry regulated farmer's markets. Representative Tarr replied that currently no raw milk products were sold at farmer's markets. She pointed to the National Conference of State Legislatures report ["State Milk Laws"] (copy on file) that included an overview of states' rules and regulations governing milk sales. She noted the variety of laws from restrictive to the far end of the spectrum that permitted the sale of raw milk in retail stores. Most western states allowed for the sale of raw milk including Washington. She hoped the bill represented a small step forward and would prove the safety of raw milk. She

provided an example of a farmer in Delta Junction that was working to open his Grade A dairy; once he was operational, he hoped to do both raw and Grade A milk. She was hopeful they could build a successful system that could expand to farmer's markets and eventually retail outlets.

2:13:09 PM

Co-Chair Wilson asked if an individual could currently sell cheese at a farmer's market. Representative Tarr replied in the affirmative, but not a raw milk cheese.

SUZY CROSBY, COTTONWOOD FARM (via teleconference), provided a PowerPoint presentation titled "Managing a Goat Herd Share Operation in Alaska" (copy on file). She reviewed slide 2 titled "Why Herd Share":

- Legal in Alaska
- Let your goats help "pay their way"
- Connecting consumers with producers
- "Loca-vores"

Ms. Crosby explained that locavores was a growing movement that represented people who wanted as much of their food produced locally. She moved to slide 3 titled "Why Goats?":

- "Missing link"
- "Poor man's cow"
- Sentient beings
- Minimal infrastructure
- Housing
- Fencing
- Cleanup

Ms. Crosby turned to slide 4 titled "What Herd Share is:":

- Legal in Alaska
- <http://dec.alaska.gov/eh/docs/vet/Dairy/RawMilkSharesAKFactsheet.pdf>
- Fluid milk only
- Sustainable - CSA
- Scheduled
- Commitment
- Tailored to the individual

2:16:10 PM

Ms. Crosby examined slide 6 titled "Safety & Sanitation: Part 1":

- Milking location
- Pre-milking spray
- Wash your hands!
- Hand or machine?
- Final strip
- Post-milking dip
- Strategic feeding

Ms. Crosby discussed safety and sanitation. She reported that milking was not done in the barn due to its unsanitary nature. The goats were milked by machine and finished by hand called the "final strip." Chlorhexaphine gluconate was applied to the goats utters after milking and the goats were fed a hay ration immediately after milking which kept goats standing and prevented bacteria from entering. She turned to slide 8 titled "Safety & Sanitation: Part 2":

- Wash hands!
- A "sharp dividing line"
- Filtering milk
- Rapid chilling
- Cold storage

Ms. Crosby stressed the importance of washing hands. The freshly milked milk was filtered through a single use paper filter and transferred into jars. She moved to slide 9 titled "Safety & Sanitation: Part 3":

- Record keeping - Which goat's milk?
- Jar care
- Who cleans?
- Educating the share owners

Ms. Crosby indicated that she kept a meticulous record of who received milk from which goat in case problems were reported. She educated the share owners on "clean and cold" principles; keep the milk clean and cold.

[2:19:01 PM](#)

Ms. Crosby continued that HB 16 would be very beneficial to both producers and consumers. She noted that many of her share owners wanted finished products like yogurt and cheese as well. She related that the goats produced less in

the winter and more in the summer. The excess summer milk could be turned into cheese that froze well and could supply cheese in the winter. She reiterated that HB 16 legalized value added products. She thanked the sponsor of the bill.

Representative LeBon deduced that if he purchased a piece of ownership in a herd it allowed him to acquire the product. Ms. Crosby answered in the affirmative.

Co-Chair Wilson asked if her answer applied to both the milk and not the cheese. Ms. Crosby answered it was either way.

Representative Tilton asked about the chilling process and keeping the milk cold. Ms. Crosby explained the process. She explained that the natural temperature of goats was 102 degrees. She chilled the milk to 40 degrees within 40 minutes or less, which was the Grade A standard. The half-gallon jars were placed in the freezer and after filtration, the milk was poured into the frozen jars and placed into ice water. The refrigerator was kept at 32 degrees, which kept the milk very cold until pick-up time. She encouraged herd share participants to come with a cooler and place the milk into the fridge immediately upon returning home. She furthered that raw milk turned into clabbered milk if left in a warm environment unlike pasteurized milk that soured and molded. Clabbered milk was a cultured milk.

[2:23:23 PM](#)

Representative Knopp asked how much time there was prior to the milk starting to culture. Ms. Crosby answered it would take about 24 to 36 hours for the milk to culture. Goat milk tended to produce an "off flavor" if it was left out at room temperature. She indicated that leaving the milk in a warm environment gave it an off flavor but did not make it dangerous to drink.

Representative Carpenter asked what would make the milk dangerous if it was not the actual spoiling of the product. Ms. Crosby answered that if left out long enough, the product would eventually probably mold. She stated that the most dangerous disease outbreaks were attributed to pasteurized milk. She remarked that raw milk had never made it onto the CDC top 10 list in terms of danger, but

pasteurized milk had. Pasteurization destroyed beneficial bacteria that was retained in raw milk, through the heat in the pasteurization process. The beneficial bacteria safeguarded the raw product and made the pasteurized product subject to spoilage. She furthered that disease organisms were a different story and were typically present in the processing facility where listeria or E.coli infected the milk. She reiterated that raw milk was not listed in the top ten outbreaks since recorded records were kept.

[2:25:56 PM](#)

Co-Chair Wilson asked about the last time there was a raw milk problem in the state.

ROBERT GERLACH, STATE VETERINARIAN, DEPARTMENT OF ENVIRONMENTAL CONSERVATION (via teleconference), answered that the most recent disease outbreak from raw milk was in 2013 and prior to that in 2011. He noted that incidences of recall due to contamination had occurred. He delineated that raw milk cheese was recalled due to listeria and food borne pathogens.

Co-Chair Wilson asked if he referred to raw milk cheese. Mr. Gerlach replied in the affirmative. He indicated that raw milk could be used to make cheese. Co-Chair Wilson asked if there had been an outbreak of just raw milk itself. r. Gerlach answered that there had been an outbreak in 2011 from a milk share operation in the Mat-Su Valley and again in 2013 from a milk share operation in the Kenai. He reported that both outbreaks involved campylobacter and listeria. Co-Chair Wilson noted that there were two instances in eight years.

[2:28:55 PM](#)

Representative Carpenter asked what the genesis of the contaminants were. Mr. Gerlach replied that the sources were found in a number of places on the farm and animals. He explained that campylobacter was a normal bacterium found in association with cattle and other livestock species and was common to find in animal manure. Representative Carpenter asked about cheese that had been removed from the market. He thought that the state had been allowed to sell raw milk cheese. Mr. Gerlach answered that regulations allowed the production of raw milk cheese if it

contained grade A milk and was subject to a 60-day maturation process. He indicated that a goat dairy in the Mat-Su was making cheese and at times DEC had to recall a product prior to its sale due to contamination. In addition, raw cheese from a commercial dairy was recalled due to listeria. Representative Carpenter inquired if the milk involved in the cheese outbreaks was pasteurized. Mr. Gerlach answered it had all been raw milk cheese. Raw milk for cheese making was subject to the Grade A standards, aged for 60 days and tested for food safety standards.

[2:31:49 PM](#)

Co-Chair Wilson asked whether cheese had ever been recalled in a manufacturing setting. Mr. Gerlach responded that cheese had been recalled in the U.S. due to pathogens, that did not meet food safety standards, contaminated with a chemical, or due to the presence of an antibiotic or other adulterated processing equipment contamination.

Representative Carpenter asked about the process for sterilizing containers. Ms. Crosby answered that they were sanitized, not sterilized in 212 degree water. She explained that the jars were sanitized in a dishwasher. Representative Carpenter assumed that sanitizing was acceptable. Ms. Crosby answered that it was her understanding and it had been their process for years.

Representative Carpenter asked to hear from the department.

Mr. Gerlach replied that a temperature and pressure were both employed to ensure safety. He added that surgical instruments were sterilized to ensure they were pathogen free. Sanitation was the process to reduce the number of bacteria but not completely remove it.

[2:35:12 PM](#)

Ms. Crosby clarified that the discussion had been "apples to oranges." She noted that she referenced raw milk not included on the CDC top ten list of outbreaks but in no way wished to contradict the small outbreaks that happened in the state.

Co-Chair Wilson replied that she did not take the testimony wrong. She wanted to point out to the Department of Environmental Conservation that people did occasionally get

sick from all products. She hoped that raw milk products would eventually be available at farmer's market or direct retail sales from the farm.

Co-Chair Wilson OPENED public testimony.

[2:36:42 PM](#)

ERIC HAVNER, MAT-SU GOAT SHARE GROUP, FAIRBANKS (via teleconference), testified in support of the legislation. He enjoyed the opportunity to have fresh goat milk. He encouraged the state to do everything possible to maintain the current goat shares and further legalize herd shares and value added products in statute. He suggested making ice cream, which was a great way to market the product locally. He supported sustainable, local agriculture.

[2:38:58 PM](#)

LOUISA CASTRODALE, VETERINARY EPIDEMIOLOGIST, DIVISION OF PUBLIC HEALTH (via teleconference), was available for questions related to the fiscal note.

[2:39:29 PM](#)

DONNA CELIA, SELF, ANCHORAGE (via teleconference), spoke in support of the bill. She had been participating in the Cottonwood Farm goat herd share for the past several years. She relayed that her family invested in the local food economy whenever possible through harvesting and processing all the local food sources and gardening. She valued keeping Alaska food traditions alive. She believed that herd sharing opened the door for another asset of local food sources. She shared that three years ago she was not producing enough breast milk for her baby and she had turned to Cottonwood Farm for a substitution. The farm had blessed her family by teaching her how to make kefir and yogurt from the goat milk. She felt that passage of the bill would encourage the growth and viability of small family farms throughout rural Alaska. She was proud to support the farms and build community through food.

[2:42:05 PM](#)

KELLI KRAUSE, SELF, WASILLA (via teleconference), testified in support of the bill. She owned a small family farm that offered both cow and goat milk shares. She believed that

the shareholders appreciated fresh products and had weighed the risks of raw milk to conclude that it was worth the time and money to serve the product to their family. The individuals participating were interested in the origin of their food. She indicated that summer was the high production time and the ability make value added products meant a consistent flow of income in the leaner months. Currently, she put the share agreements on hold when the winter production did not keep up with demand that translated to less income for the farm. The value added products would be a substantial benefit for the customers and the farm. She wanted Alaska to take a forward step in creating food security.

[2:44:14 PM](#)

CECE MENDOSA, SELF, GIRDWOOD (via teleconference), supported the legislation. She belonged to a herd share program. She spoke to the health benefits of raw goat's milk. The milk could be consumed by individuals with lactose intolerance or allergy to cow's milk. She supported the value added provisions. She supported the herd share program as a key element in obtaining locally produced food.

[2:45:17 PM](#)

ART GRISWOLD, GOLDEN HEART DAIRY, DELTA JUNCTION (via teleconference), spoke in favor of the legislation. He shared that his dairy had approximately 50 to 60 customers in the Fairbanks area and he ran a "serious" food share operation. He wanted to become a Grade A dairy and offer both raw and pasteurized milk to the market. He characterized the market for local food as "fantastic," but the cost of building a creamery and the required facilities was over \$1 million, which made the process slow. He voiced that most people did not realize the issues with operating a serious dairy. His animals were all in quite good condition and he delivered a half ton of milk to Fairbanks every Thursday. He thanked the sponsor for the bill. He wanted Alaskan dairies to be profitable again.

Co-Chair Wilson asked how long he had been operating his dairy. Mr. Griswold answered the dairy operated for six years and began with two cows. Co-Chair Wilson asked if they had ever had any health problems. Mr. Griswold answered in the negative. He elaborated that the operation

was very thorough; the milk was contained in glass, filters were changed regularly, and the only difference was that the milk was not pasteurized.

Vice-Chair Johnston was fascinated to hear that the dairy was using jersey cows and noted that the breed was not regularly used anymore.

Co-Chair Wilson CLOSED public testimony.

2:49:00 PM

CHRISTINA CARPENTER, DIRECTOR, DIVISION OF ENVIRONMENTAL HEALTH, DEPARTMENT OF ENVIRONMENTAL CONSERVATION (via teleconference), reviewed the DEC zero fiscal note [OMB Component Number 3202]. She pointed to the fiscal note analysis that noted the bill formalized a current legal loophole by allowing multiple people to enter into a legal agreement to co-own milk producing animals by explicitly allowing shared ownership of milk-producing animals and the sharing of raw milk. She furthered that there would be no regulatory oversight, testing, or inspections required of the department under this proposed legislation. Food borne illness outbreaks related to raw milk distributed through herd share agreements were an existing risk.

Co-Chair Wilson asked if the bill would result in numerous individuals going into the goat/cow sharing operation. Ms. Carpenter was unsure because it had not been part of the department's analysis.

Co-Chair Wilson emphasized that the bill was not increasing regulations.

LOUISA CASTRODALE, VETERINARY EPIDEMIOLOGIST, DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), spoke to the indeterminate fiscal note [OMB Component Number 296]. She reported that the addition of raw milk products made it difficult to determine how the distribution of raw milk would change and whether or what type or number of outbreaks that might occur. Therefore, the fiscal note was indeterminate.

Co-Chair Wilson asked about the number of outbreaks that the department anticipated. She noted that there were only two outbreaks in the past. Ms. Castrodale answered that the fiscal note was indeterminate because they did not know the

number of people drinking raw milk, the number of people in share programs, or how to anticipate the distribution in the future.

[2:53:04 PM](#)

Co-Chair Wilson asked how much the two outbreaks cost in 2011 and 2013. Ms. Castrodale replied there were personnel, travel costs, and lab costs. The investigatory costs depended on the number of people involved and what kind of record keeping had been done at the farms. In the 2013, the outbreak went on for several weeks, which increased costs. Co-Chair Wilson asked for the costs incurred in the 2011 and 2013 outbreaks. Ms. Castrodale asked if Co-Chair Wilson was asking for the dollar figures. Co-Chair Wilson affirmed. Ms. Castrodale answered that the fiscal note intended to answer how the addition of raw milk products changed the status quo.

Co-Chair Wilson asked if Representative Tarr thought that with passage of the bill illnesses would increase to the point that the Department of Health and Social Services (DHSS) would not be able to determine the cost of an outbreak. Representative Tarr replied that safety was of critical importance. She shared that she worked on a more expanded bill the prior sessions and discovered that potential outbreaks were harder to quantify. She reiterated that one of the elements that brought safety to the bill was the closed loop system for the herd share. She did not anticipate any change in the very low incidence of illness. She referenced a prior national romaine lettuce outbreak and deduced that the closed loop system was a much smaller scale of distribution and farmers had multiple ways to contact share owners. There was a motivation to do everything right and not infect herd share owners. She deemed that if the bill was expanded to farmers markets or retail outlets, there may be additional safety features to build in.

[2:56:42 PM](#)

HB 16 was HEARD and HELD in committee for further consideration.

Co-Chair Wilson noted an amendment deadline for both bills of April 25, 2019.

Co-Chair Wilson reviewed the schedule

#

ADJOURNMENT

2:57:20 PM

The meeting was adjourned at 2:57 p.m.