

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

April 19, 2022

1:34 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Shelley Hughes, Vice Chair
Senator Mia Costello
Senator Lora Reinbold
Senator Tom Begich

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 62(JUD) AM

"An Act relating to the Legislative Ethics Act; relating to solemnization of marriage; and relating to consent to marriage."

- HEARD & HELD

HOUSE BILL NO. 184

"An Act requiring state participation in a tribal child welfare compact."

- MOVED SCS HB 184(HSS) OUT OF COMMITTEE

SENATE BILL NO. 216

"An Act relating to dementia awareness."

- MOVED SB 216 OUT OF COMMITTEE

SENATE BILL NO. 184

"An Act relating to Alaska Native settlement trusts and eligibility for adult public assistance, senior benefits, and the Alaska Pioneers' Home."

- MOVED CSSB 184(HSS) OUT OF COMMITTEE

SENATE BILL NO. 242

"An Act relating to exemptions for the purchase and sale of certain food products for home consumption under the Alaska Food Freedom Act."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 62

SHORT TITLE: MARRIAGE: WITNESSES/SOLEMNIZATION/CONSENT

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

02/18/21	(H)	PREFILE RELEASED 1/15/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
02/25/21	(H)	STA AT 3:00 PM GRUENBERG 120
02/25/21	(H)	-- MEETING CANCELED --
03/04/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/04/21	(H)	Heard & Held
03/04/21	(H)	MINUTE(STA)
03/09/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/09/21	(H)	Heard & Held
03/09/21	(H)	MINUTE(STA)
03/11/21	(H)	STA AT 3:00 PM GRUENBERG 120
03/11/21	(H)	Moved HB 62 Out of Committee
03/11/21	(H)	MINUTE(STA)
03/12/21	(H)	STA RPT 4DP 2DNP 1AM
03/12/21	(H)	DP: CLAMAN, STORY, TARR, KREISS-TOMKINS
03/12/21	(H)	DNP: EASTMAN, VANCE
03/12/21	(H)	AM: KAUFMAN
03/19/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/19/21	(H)	<Bill Hearing Canceled>
03/24/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/24/21	(H)	Heard & Held
03/24/21	(H)	MINUTE(JUD)
03/29/21	(H)	JUD AT 1:00 PM GRUENBERG 120
03/29/21	(H)	<Bill Hearing Canceled>
03/31/21	(H)	JUD AT 1:00 PM GRUENBERG 120
03/31/21	(H)	Moved CSHB 62(JUD) Out of Committee
03/31/21	(H)	MINUTE(JUD)
04/05/21	(H)	JUD RPT CS(JUD) NEW TITLE 4DP 3DNP
04/05/21	(H)	DP: DRUMMOND, KREISS-TOMKINS, SNYDER, CLAMAN
04/05/21	(H)	DNP: EASTMAN, VANCE, KURKA
03/09/22	(H)	SUSTAINED RULING OF CHAIR Y21 N14 E4 A1
03/11/22	(H)	TECHNICAL SESSION 3/11 - ON 3/14 CALENDAR

03/16/22 (H) TRANSMITTED TO (S)
 03/16/22 (H) VERSION: CSHB 62(JUD) AM
 03/18/22 (S) READ THE FIRST TIME - REFERRALS
 03/18/22 (S) HSS, JUD
 04/05/22 (S) HSS AT 1:30 PM BUTROVICH 205
 04/05/22 (S) Heard & Held
 04/05/22 (S) MINUTE(HSS)
 04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: HB 184

SHORT TITLE: REQUIRE TRIBAL CHILD WELFARE COMPACT
 SPONSOR(S): REPRESENTATIVE(S) ZULKOSKY

04/21/21 (H) READ THE FIRST TIME - REFERRALS
 04/21/21 (H) HSS, FIN
 04/22/21 (H) HSS AT 3:00 PM DAVIS 106
 04/22/21 (H) Heard & Held
 04/22/21 (H) MINUTE(HSS)
 04/27/21 (H) HSS AT 3:00 PM DAVIS 106
 04/27/21 (H) Moved HB 184 Out of Committee
 04/27/21 (H) MINUTE(HSS)
 04/28/21 (H) HSS RPT 4DP 2NR 1AM
 04/28/21 (H) DP: FIELDS, SPOHNHOLZ, SNYDER, ZULKOSKY
 04/28/21 (H) NR: PRAX, KURKA
 04/28/21 (H) AM: MCCARTY
 04/28/21 (H) TRB REPLACES FIN REFERRAL
 04/28/21 (H) BILL REPRINTED
 05/04/21 (H) TRB RPT 4DP
 05/04/21 (H) DP: TARR, ORTIZ, CRONK, ZULKOSKY
 05/04/21 (H) TRB AT 8:00 AM DAVIS 106
 05/04/21 (H) Moved HB 184 Out of Committee
 05/04/21 (H) MINUTE(TRB)
 05/13/21 (H) BEFORE HOUSE IN THIRD READING
 05/13/21 (H) TRANSMITTED TO (S)
 05/13/21 (H) VERSION: HB 184
 05/14/21 (S) READ THE FIRST TIME - REFERRALS
 05/14/21 (S) HSS
 03/31/22 (S) HSS AT 1:30 PM BUTROVICH 205
 03/31/22 (S) Heard & Held
 03/31/22 (S) MINUTE(HSS)
 04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 216

SHORT TITLE: DEMENTIA AWARENESS
 SPONSOR(S): SENATOR(S) COSTELLO

02/22/22 (S) READ THE FIRST TIME - REFERRALS

02/22/22 (S) HSS, FIN
04/12/22 (S) HSS AT 1:30 PM BUTROVICH 205
04/12/22 (S) Heard & Held
04/12/22 (S) MINUTE(HSS)
04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 184

SHORT TITLE: SETTLEMENT TRUSTS & BENEFITS ELIGIBILITY
SPONSOR(s): SENATOR(s) BEGICH

02/08/22 (S) READ THE FIRST TIME - REFERRALS
02/08/22 (S) HSS, FIN
02/17/22 (S) HSS AT 1:30 PM BUTROVICH 205
02/17/22 (S) Heard & Held
02/17/22 (S) MINUTE(HSS)
04/12/22 (S) HSS AT 1:30 PM BUTROVICH 205
04/12/22 (S) Scheduled but Not Heard
04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 242

SHORT TITLE: EXEMPTIONS FOR FOOD PRODUCTS
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

04/08/22 (S) READ THE FIRST TIME - REFERRALS
04/08/22 (S) HSS, FIN
04/19/22 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

KATY GIORGIO, Staff
Representative Tiffany Zulkosky
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented an overview of HB 184 on behalf of the sponsor.

KIM GUAY, Director
Office of Children's Services
Department of Family and Community Services (DFCS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on HB 184.

KATY MCCALL, Staff
Senator Mia Costello
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information on SB 216 on behalf of the sponsor.

LOKI TOBIN, Staff
Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered a brief review of SB 184 on behalf of the sponsor.

JASON BRUNE, Commissioner
Department of Environmental Conservation
Anchorage, Alaska

POSITION STATEMENT: Offered opening remarks on SB 242 on behalf of the administration.

DOUG VINCENT-LANG, Commissioner
Alaska Department of Fish and Game (ADF&G)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 242 on behalf of the administration.

CHRISTINA CARPENTER, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, Alaska

POSITION STATEMENT: Presented a PowerPoint titled SB 242: Alaska Food Freedom Act.

DAVID W. SCHADE, Director
Division of Agriculture
Department of Natural Resources (DNR)
Palmer, Alaska

POSITION STATEMENT: Answered questions on SB 242.

AMY SEITZ, Executive Director
Alaska Farm Bureau
Soldotna, Alaska

POSITION STATEMENT: Testified with concerns on SB 242.

SCOTT MURGRAGE, President
Alaska Farm Bureau
Soldotna, Alaska

POSITION STATEMENT: Testified with concerns on SB 242

ACTION NARRATIVE

[1:34:56 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 1: p.m. Present at the call to order were Senators Begich, Costello, Reinbold, and Chair Wilson. Senator Hughes arrived shortly thereafter.

HB 62-MARRIAGE: WITNESSES/SOLEMNIZATION/CONSENT

[1:36:05 PM](#)

CHAIR WILSON announced the consideration of CS FOR HOUSE BILL NO. 62(JUD) am "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage; and relating to consent to marriage."

He stated that the intent was to adopt a committee substitute and hold the bill for future consideration.

[1:36:30 PM](#)

At ease.

[1:36:50 PM](#)

CHAIR WILSON reconvened the meeting and solicited a motion.

[1:36:55 PM](#)

SENATOR COSTELLO moved to adopt the Senate Committee Substitute (SCS) for HB 62, work order 32-LS0272\I, as the working document, and objected for purposes of discussion.

[1:37:13 PM](#)

CHAIR WILSON explained that the SCS adds two restrictions on unemancipated people ages 16 and 17. He described these restrictions as follow:

First, it adds parental consent and they must also receive approval from a superior court judge who determines the marriage is in the minor's best interest. Second, the minor cannot marry someone if they're more than three years older. For example, a 16-year-old can only marry up to a 19-year-old and a 17-year-old can marry up to a 20-year-old.

He noted the Legislative Legal Services opinion about unemancipated minors.

[1:38:40 PM](#)

SENATOR BEGICH offered his understanding that under version I, an emancipated youth would not be restricted to marry.

CHAIR WILSON answered that is correct.

[1:38:58 PM](#)

SENATOR HUGHES joined the committee.

SENATOR BEGICH said he appreciated the clarification, because he wanted to ensure that the rights of emancipated youths were protected.

[1:39:28 PM](#)

At ease.

[1:39:54 PM](#)

CHAIR WILSON reconvened the meeting.

[1:39:56 PM](#)

SENATOR COSTELLO stated that emancipated youths are able to enter into contracts and thus are able get married. As written, the SCS doesn't change what is currently allowed, and that is one reason she is opposed to the SCS. She said the legal memorandum dated April 18, 2022 also mentions that the SCS is unnecessary because those minors are already permitted to marry. There are only certain things, such as using alcoholic beverages that an emancipated youth is not able to do. She reiterated that adding the exception for emancipated youth was unnecessary.

SENATOR COSTELLO stated that she was maintaining her objection to adopting the SCS.

[1:40:59 PM](#)

SENATOR REINBOLD asked how this version would affect a 17-year-old's ability to marry even if she was not emancipated.

CHAIR WILSON stated that under version I, a 17-year-old would be able to marry if they had parental consent, approval from a superior court judge, and the spouse was not more than 3 years older.

CHAIR WILSON extended the amendment deadline until Monday the 25th.

[1:42:40 PM](#)

CHAIR WILSON asked for a roll call vote on adopting the SCS, version I.

[1:42:51 PM](#)

A roll call vote was taken. Senators Begich, Hughes and Wilson voted in favor of the motion to adopt SCS CSHB 62, work order 32-LS0272\I, and Senators Costello and Reinbold voted against it.

Therefore, the motion to adopt the SCS for HB 62 passed on a 3:2 vote.

[1:43:06 PM](#)

CHAIR WILSON announced that the SCS for HB 62, version I, was adopted as the working document on a 3:2 vote.

[1:43:16 PM](#)

CHAIR WILSON held HB 62 in committee.

HB 184-REQUIRE TRIBAL CHILD WELFARE COMPACT

[1:43:37 PM](#)

CHAIR WILSON announced the consideration of HOUSE BILL NO. 184 "An Act requiring state participation in a tribal child welfare compact."

CHAIR WILSON asked the sponsor's staff to give a brief overview of the bill before the committee considered an amendment.

[1:43:59 PM](#)

At ease.

[1:44:43 PM](#)

CHAIR WILSON reconvened the meeting.

[1:45:10 PM](#)

KATY GIORGIO, Staff, Representative Tiffany Zulkosky, Alaska State Legislature, Juneau, Alaska, stated that HB 184 would codify the Tribal Child Welfare Compact in statute.

[1:45:45 PM](#)

SENATOR BEGICH asked if the sponsor had any objection to the modification [in the forthcoming amendment].

MS. GIORGIO stated that Representative Zulkosky does not object to the forthcoming amendment.

CHAIR WILSON clarified that there was a forthcoming amendment, not a committee substitute (CS).

[1:46:06 PM](#)

CHAIR WILSON moved Amendment 1, work order 32-LS0722\I.1.

32-LS0722\I.1

Ambrose

4/1/22

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR WILSON

Page 1, line 1:

Delete "**requiring**"

Insert "**relating to**"

Page 1, line 4:

Delete "shall"

Insert "may"

[1:46:09 PM](#)

SENATOR HUGHES objected for purposes of discussion.

[1:46:11 PM](#)

CHAIR WILSON explained that the change in terminology from "requiring" to "relating to" is a change in the title. The change from "shall" to "may" allows, but does not require, the department to enter into a compact. This allows the department more flexibility to work with an entity to ensure it is prepared and eligible to be a compact member.

[1:47:00 PM](#)

SENATOR HUGHES removed her objection.

CHAIR WILSON found no further objection, and Amendment 1 was adopted.

SENATOR COSTELLO highlighted that adopting the amendment means a title change resolution will be required.

SENATOR BEGICH said he looks forward to seeing the bill on the floor.

[1:47:37 PM](#)

SENATOR HUGHES mentioned a conversation she had with somebody who had worked with the Office of Children's Services (OCS) who was concerned about the bill and the protections it may or may not provide for children. She asked if there had been a pilot project and whether the compact would be very strict to make sure that everything is done properly to ensure child safety.

MS. GIORGIO answered that the compact has been in place since 2017, and each year OCS and the tribal cosigners revisit the terms of the compact. She deferred further explanation to Kim Guay.

[1:49:49 PM](#)

KIM GUAY, Director, Office of Children's Services, Department of Family and Community Services (DFCS), Anchorage, Alaska, explained that the tribal cosigners and OCS are working in partnership so that more than one set of eyes is on the families receiving services. This work also involves oversight from the federal government because these children are typically in the foster care system. Everything OCS is doing to check these families, such as background checks, the tribes are also doing.

[1:50:58 PM](#)

CHAIR WILSON found no further questions and solicited a motion.

[1:51:07 PM](#)

SENATOR HUGHES moved to report HB 184, work order 32-LS0722\I as amended, from committee with individual recommendations and attached fiscal note(s).

[1:51:21 PM](#)

CHAIR WILSON found no objection and SCS HB 184(HSS), was reported from the Senate Health and Social Services Standing Committee.

[1:51:32 PM](#)

At ease

SB 216-DEMENTIA AWARENESS

[1:55:10 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 216 "An Act relating to dementia awareness."

[1:55:33 PM](#)

KATY MCCALL, Staff, Senator Mia Costello, Alaska State Legislature, Juneau, Alaska, reminded the committee that SB 216 would create a dementia awareness campaign which would help the state qualify for a share of the \$25 million in federal funding that is available through the 2018 Building Our Largest Dementia (BOLD) Infrastructure for Alzheimer's Act. She noted that since the hearing last week followed up with the requested information about that funding. The Core Capacity grant funding is for states like Alaska that are just starting their dementia infrastructure. It also lays the groundwork for the state to qualify for the Enhanced Capacity grants at some time in the future. The state could qualify for this next funding by establishing ongoing programs and making a plan to expand the dementia awareness activities in the future.

[1:57:24 PM](#)

CHAIR WILSON advised that the information Ms. Bolling sent were uploaded to BASIS. He found no questions or comments and asked the sponsor if she had any closing comments.

SENATOR COSTELLO thanked everyone who supported the legislation and opined that it was a good time for the legislature to pass legislation that will help educate Alaskans about dementia.

CHAIR WILSON solicited a motion.

[1:58:41 PM](#)

SENATOR HUGHES moved to report SB 216, work order 32-LS1583\A, from committee with individual recommendations and attached fiscal note(s).

[1:58:54 PM](#)

CHAIR WILSON found no objection and SB 216 was reported from the Senate Health and Social Services Standing Committee.

[1:58:58 PM](#)

At ease.

SB 184-SETTLEMENT TRUSTS & BENEFITS ELIGIBILITY

[2:04:23 PM](#)

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 184 "An Act relating to Alaska Native settlement trusts and eligibility for adult public assistance, senior benefits, and the Alaska Pioneers' Home."

He asked Loki Tobin to give a brief overview of the bill before the committee considered a committee substitute (CS).

2:04:51 PM

LOKI TOBIN, Staff, Senator Tom Begich, Alaska State Legislature, Juneau, Alaska, paraphrased the sponsor statement for SB 184. It read as follows:

Historic in its application, the Alaska Native Claims Settlement Act (ANCSA) sought to resolve indigenous land claims by transferring land titles to regional corporations for the benefit of Alaska Natives and their descendants. Part of the settlement included distributions or benefits to 1971 enrolled tribal members, compensating them for their portion of historic land ownership and in recognition that financial resources may be needed to preserve indigenous cultures and ensure Alaska Natives and their descendants are able to contribute to live in indigenous communities.

Distributions or benefits from ANCSA settlements are meant to compensate Alaska Natives and their descendants for indigenous land claims and are separate from other benefits an individual may receive due to disability or age. Unfortunately, the law as it currently is written does not guarantee an Alaska Native can and will receive their rightful distribution as well as other benefits available to all Alaskans due to qualifying circumstances. Senate

Bill 184 seeks by statute to exclude certain payments to aged or disabled Alaska Natives or their descendants from being used to determine eligibility for adult public assistance, senior benefits, and the Alaska Pioneers' Home. A similar bill is currently being considered in the United States Congress, introduced by Senator Murkowski and co-sponsored by Senator Sullivan.

2:06:02 PM

CHAIR WILSON solicited a motion to adopt the CS.

2:06:07 PM

SENATOR HUGHES moved to adopt the Senate Health and Social Services CS for SB 184, work order 32-LS1473\B, as the working document.

[2:06:19 PM](#)

CHAIR WILSON objected for purposes of discussion. He explained that the CS does two things. First, it removes the references to an Alaska Native individual or a descent of an Alaska Native individual and opens the legislation to any beneficiary of a trust settlement. Second, it places a \$1,500 cap on the income.

[2:06:55 PM](#)

SENATOR HUGHES asked him to confirm that the cap is not on individual income; it's the amount of interest in a settlement trust.

CHAIR WILSON agreed.

[2:07:08 PM](#)

SENATOR BEGICH agreed with Senator Hughes and added an individual who received a settlement or interest payment that was over \$1,500 would lose their benefits. It's the same idea as the cap on the PFD [to determine certain eligibility].

CHAIR WILSON called in a hold harmless provision and the sponsor agreed.

SENATOR HUGHES offered her belief that the CS made the bill a better product. She asked the sponsor if it resolves a problem and creates more fairness.

[2:08:50 PM](#)

SENATOR BEGICH answered yes; it addresses a fairness issue about somebody continuing to receive public assistance when they are receiving consistently large dividends that remove the need for public assistance. He stated support for the changes.

[2:09:31 PM](#)

CHAIR WILSON removed his objection; he found no further objection and the CS for SB 184, version B, was adopted as the working document.

He asked the sponsor if he had any closing comments.

SENATOR BEGICH said the law is nuanced and unintended consequences have to be addressed. He expressed appreciation for the committee's thoughtfulness.

[2:10:26 PM](#)

SENATOR HUGHES moved to report SB 184, work order 32-LS1473\B, from committee with individual recommendations and attached fiscal note(s).

[2:10:41 PM](#)

CHAIR WILSON found no objection and CSSB 184(HSS) was reported from committee.

[2:10:49 PM](#)

At ease.

SB 242-EXEMPTIONS FOR FOOD PRODUCTS

[2:12:52 PM](#) 55

CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 242 "An Act relating to exemptions for the purchase and sale of certain food products for home consumption under the Alaska Food Freedom Act."

[2:13:28 PM](#)

At ease.

[2:15:00 PM](#)

CHAIR WILSON reconvened the meeting and recognized Commissioner Jason Brune.

[2:15:17 PM](#)

JASON BRUNE, Commissioner, Department of Environmental Conservation, Anchorage, Alaska, said he would like to yield his time to Commissioner Vincent-Lang to provide opening remarks as Co-Chair of the governor's initiative on food security.

[2:15:57 PM](#)

DOUG VINCENT-LANG, Commissioner, Alaska Department of Fish and Game (ADF&G), Juneau, Alaska,

If we learned one thing one thing from COVID, it's just how vulnerable our state is to disruptions in food supply. Food shelves across Alaska were bare and supplies were short all across the state. This was especially true in Rural Alaska. Alaskans became really aware of how dependent we are on food deliveries from outside Alaska. In essence, we have less than a week's supply of some food items, especially perishable items. Without resupply, shortages did occur and will likely occur into the future. This resulted in increased awareness

surrounding the issue of food security across our state.

In response, Governor Dunleavy has issued an administrative order establishing a food security task force to evaluate this issue and to make recommendations how best to increase our state's food security. Membership on this taskforce is being recruited and if anyone is interested in serving, please apply to the Office of Boards and Commissions in the Governor's Office. I also understand the Alaska legislature is considering establishing a task force to address this important issue.

We also have a bill you're hearing today on the table. We support this as one means to increase food security across our state. This bill provides exemptions for the purchase and sale of certain food products for home consumption. The purpose of this act is to allow producers to sell homemade food products to an informed end user and to encourage the expansion of homemade food sales at farmers markets, agricultural fairs, ranches, farms, and producers homes to informed end users by providing Alaskans with unimpeded access to food from known sources.

In addition to other undertakings, this will lessen dependency on outside food sources thereby improving food security across our state. This bill exempts the sale of seafood and game meat. That said, we understand one element of food security is the importance for our wild populations of fish and game resources to Alaskans. Alaskans directly harvest fish and game through subsistence, personal use, and sport fishing and hunting regulations. They also access these resources by purchasing commercially harvested Alaskan seafood products. Last week I saw direct marketing of cod fillets. Also, in most coastal communities one can directly purchase Alaska seafood at the docks. We need to explore more options for making Alaska's commercially caught salmon available throughout Alaska.

In closing, I urge your support for this bill. I also support your participation in the Governor's food security task force.

[2:19:14 PM](#)

COMMISSIONER BRUNE began the PowerPoint presentation, SB 242: Alaska Food Freedom Act. He spoke to the points on slide 2:

Increasing Alaska's Food Production and Sales

- 95% of food purchased in Alaska is imported.
- The ongoing pandemic has demonstrated how fragile the Alaskan food supply chain is.
- Governor Dunleavy is committed to addressing this issue through the creation of the Food Security & Independence Taskforce (AO 331).
- Creating broader opportunities for small homebased businesses to make and sell food products will provide more local food options.
- Building a food secure Alaska will also open the doors to greater economic opportunities for home-based businesses.

COMMISSIONER BRUNE stated that the task force looks forward to working with the legislature to build a more secure Alaska that has more economic opportunities that will help home-based businesses and Alaskans thrive.

[2:20:54 PM](#)

CHRISTINA CARPENTER, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), Anchorage, Alaska, highlighted that the governor put forward a \$25 million capital appropriation to increase food security for the agricultural industry. This appropriation and SB 242 offer a multi-prog approach to increase food security in Alaska.

MS. CARPENTER discussed slide 3:

National Legislation

- Most states have cottage food laws, which allow the sale of homemade non-potentially hazardous foods directly from producer to end consumer.
 - Alaska has had cottage food regulations in place since 2012.
- Food Freedom Laws expand cottage food exemptions to allow the production of potentially hazardous foods in a home kitchen without regulatory oversight.

- Wyoming passed the first Food Freedom Law in 2015.
- Since then, Maine, North Dakota, and Utah have passed similar acts.

She stated that food freedom laws allow the direct sale of foods that require time and temperature controls. These products are made in home kitchens that are not permitted or inspected, and they must be sold directly to the end consumer.

[2:23:27 PM](#)

MS. CARPENTER reviewed the definitions of potentially and non-potentially hazardous foods outlined on slide 4:

Food Category Definitions

- Potentially hazardous foods are foods that require time or temperature control to reduce the risk of contaminants (pathogens, toxins, etc.) that could cause foodborne illness.
 - Direct sale between the producer and end consumer.
 - Examples - heat treated fruits and vegetables, fresh herb-in-oil mixtures, meat, and products made with dairy.
- Non-potentially hazardous foods are foods that do not require time or temperature control.
 - Direct sale has been allowed since 2012. Now expanded to allow retail sales.
 - Examples - pickles, fresh fruits and vegetables, coffee beans, and popcorn.

[2:25:21 PM](#)

MS. CARPENTER paraphrased the bullet points on slide 5:

Alaska's Food Freedom Act (AFFA) Overview

- Exempts most homemade food from labeling, licensing, packaging, permitting, and inspection requirements.
- Codifies DEC's existing cottage food regulations in statute and expands exemptions to allow retail sales of non-potentially hazardous foods.

- Creates an "animal share" arrangement that would exempt meat producers from oversight if certain conditions are met.
- Alaska's Food Freedom Act would be the least restrictive in the nation because it allows limited retail sales and the creation of an "animal share" exemption.

[2:26:22 PM](#)

MS. CARPENTER stated that the next three slides serve as the sectional analysis. They discuss what the bill does and provide examples of what is and is not exempted under the legislation. She reviewed slide 6:

SB 242: Alaska Food Freedom Act

- AS 17.20.331 creates an exemption for the purchase and sale of homemade food products for home consumption and provides applicable restrictions or limitations on transaction requirements, food ingredients, and labeling or signage requirements.
 - Potentially hazardous foods will be allowed for direct sale between the producer and end consumer.
 - Non-potentially hazardous foods are now expanded to allow retail sales.
 - Food products must be produced and sold in Alaska. No interstate commerce allowed.
 - Producer can make up to \$250,000 in gross sales annually.
 - Does not allow the purchase of meat or meat products, seafood, controlled substances, oil rendered from animal fat, and game meat.

MS. CARPENTER highlighted that the administration would consider a friendly amendment to eliminate the \$250,000 cap on the annual gross sales for producers.

[2:28:12 PM](#)

CHAIR WILSON asked if the administration had discussed this with the sponsor and already had an amendment for the committee to consider.

MS. CARPENTER answered that the administration had done neither, but would be happy to do so.

[2:28:37 PM](#)

SENATOR BEGICH said the description of the hazardous and nonhazardous foods caused some concern. He added that he liked the \$250,000 cap because it would eliminate the possibility of industrial production of products that would not be subject to inspection. He asked how the administration was justifying what seemed to be an effort to relinquish the constitutional responsibility to protect the health and safety of citizens.

COMMISSIONER BRUNE answered:

I think the emphasis that we have is on an informed end consumer, and putting the onus on them. Yes we do have a responsibility but we believe that the products we're talking about that are included in this bill will still meet that intent of protecting public safety, but at the same time ensuring that the food freedom opportunities that are out there will exist for Alaskans to be able to make informed decisions as they make those purchasing decisions.

[2:30:28 PM](#)

CHAIR WILSON said the response caused him pause because it was a buyer beware warning for Alaskans who might decide to buy this food.

SENATOR BEGICH agreed.

[2:30:44 PM](#)

SENATOR HUGHES wondered about the legal implications of a producer selling product that doesn't have to be labeled directly to an end user. She said she didn't see anywhere in the bill that the producer would be freed of responsibility if the end user were to get sick.

MS. CARPENTER confirmed that the bill did not speak to liability. She described that as part of being an informed end consumer in a direct-sale transaction.

[2:32:22 PM](#)

SENATOR HUGHES said she supports the concept, but the consumers need to understand there is some risk. She asked whether the administration had considered a requirement for labeling that mentions the potential risk.

[2:33:29 PM](#)

MS. CARPENTER responded that the bill has some transactional requirements for potentially hazardous foods; the producer has to inform the purchaser that the products are not manufactured in an inspected kitchen.

SENATOR HUGHES said she'd look at that language. She reiterated that she generally believes this is a great idea.

[2:34:53 PM](#)

SENATOR BEGICH said he too is generally supportive of the concept, but his concern is that the average end consumer will not necessarily be informed. He also questioned whether this might expose these food producers to unrealistic liability. He asked whether the administration had given this any thought.

[2:36:31 PM](#)

COMMISSIONER BRUNE offered his belief that the general public is smarter than he is in making decisions about whether or not to buy these cottage food products. He also pointed out that industrial food that is regularly inspected can be recalled because it is determined to be unsafe.

[2:37:45 PM](#)

MS. CARPENTER continued the presentation with a review of slide 7:

SB 242: Alaska Food Freedom Act

- AS 17.20.332 establishes conditions and requirements of animal share operations in statute, which would allow the sharing of meat and meat products by individuals participating in a herd share arrangement.
 - Shared ownership must be established before the animal(s) is slaughtered;
 - Labeling requirements;
 - No further sales or distribution allowed.
- AS 17.20.337 contains clarifications to the bill, including
 - DEC retains its investigative and regulatory powers;
 - State agencies may provide assistance, consultation, or guidance at the request of the producer;

- the bill shall not be construed as more restrictive than applicable federal requirements; and
- the bill does not affect any federal or local laws.

[2:39:35 PM](#)

SENATOR REINBOLD read the first two bullet points under AS 17.20.337 and asked how that works when the producer is cooking the food in their home kitchen. She wondered about the potential for violating private property rights, calling it an oxymoron for the government to say it was going to help by being Big Brother watching over the producer's shoulder.

COMMISSIONER BRUNE pointed out that it says that any assistance, consultation, or guidance a state agency provides would be at the request of the producer.

[2:41:35 PM](#)

SENATOR BEGICH observed that the exceptions that start on page 4 line 20 are not about the department being invited into a producer's home. That provision is about the department retaining the authority to inspect and investigate, which gives him reason to support the bill. He acknowledged Senator Reinbold's concerns and asked Commissioner Brune what he could say to allay her concerns.

COMMISSIONER BRUNE said the goal is to not go into a producer's house, but if an outbreak were to occur, the department needs the authority to do an inspection.

[2:43:32 PM](#)

MS. CARPENTER added that a lot of the work to investigate a food-borne outbreak can be conducted over the phone. The department regularly looks into complaints about a regulated entity by first talking to the manager in charge to determine whether the complaint was warranted. She assured the committee that entering a private residence would be a last resort.

SENATOR BEGICH highlighted that the language in in paragraph (A) on page 4, line 21 is restrictive. Nothing in the bill gives the department the authority to enter a producer's home unless there was a report of:

- (i) foodborne illness, food caused injury, or death;
- (ii) unsafe sanitary practices; or
- (iii) misbranded or adulterated food;

He asked Ms. Carpenter if that was an accurate interpretation of the language.

CARPENTER answered yes.

CHAIR WILSON asked if she agreed that this was not similar to a no-knock warrant.

CARPENTER answered that is correct.

CHAIR WILSON asked her to continue the presentation.

CARPENTER turned to slide 8 and explained that it is a chart that provides examples of products that would and would not be allowed under the Alaska Food Freedom Act.

SENATOR BEGICH commented that he was sad that people were still buying kombucha.

SENATOR REINBOLD voiced support for opportunities to buy kombucha.

[2:46:43 PM](#)

CHAIR WILSON opened public testimony on SB 242; finding none, he closed public testimony.

He noted that David Schade was available for questions.

SENATOR REINBOLD stated that she had tried for several years to get disaster declaration bills to include information about food, medical supplies, water, and communication. She opined that with the current supply chain issues, this information has become urgent. She asked what the director of the Division of Agriculture would suggest to elevate the urgency of this issue.

[2:48:35 PM](#)

DAVID SCHADE, Director, Division of Agriculture, Department of Natural Resources (DNR), Palmer, Alaska, stated that the Dunleavy administration considers food security a high priority. To this end, a task force is working on the issue, the administration has proposed funding in the capital budget for additional land sales for the Nenana-Totchaket project, increasing seed opportunities for farmers, and continuing existing grants and incentives in traditional agriculture and mariculture. He offered to follow up with additional details.

SENATOR REINBOLD invited him to her upcoming townhall meeting.

[2:50:14 PM](#)

SENATOR HUGHES mentioned the \$25 million capital appropriation to increase food security for the agricultural industry. The bulk was going to the Nenana-Totchaket Agricultural Project, but \$7 million was for incentive grants. The Mariculture Task Force also has \$25 million that it can decide how to spend. She said her understanding was that mariculture producers could also access part of the \$7 million allocated for agriculture, which was a concern. She also expressed concern that the state was opening up this new agricultural area, potentially with roads and utilities, when farmers in the Delta area were still supplying their own utilities. She opined that if the state was really interested in enhancing food security, the existing agricultural producers potentially could produce more food faster if they had access to utilities, than farmers just starting out in the new area.

[2:52:29 PM](#)

MR. SCHADE responded that \$8.5 million of the \$25 million is for electricity and infrastructure, but just \$2 million is earmarked for the Nenana-Totchaket Agricultural Project. The remaining \$6.5 million is earmarked for Delta, the Kobe Agricultural Project, and others. Road and infrastructure projects are planned and have started for all agricultural projects.

CHAIR WILSON asked Ms. Carpenter to confirm that the items listed on slide 8 were examples; it was not an all-inclusive list.

MS. CARPENTER agreed that the list was not all-inclusive.

SENATOR HUGHES asked if the individuals from the farm bureau who were in the room could comment on the bill.

[2:54:35 PM](#)

At ease.

[2:55:32 PM](#)

CHAIR WILSON reconvened the meeting and asked for a description of the Alaska Farm Bureau.

[2:56:15 PM](#)

SCOTT MURGRAGE, President, Alaska Farm Bureau, Soldotna, Alaska, stated that the Alaska Farm Bureau advocates for legislation on

the state and national level that benefits farms. He deferred to Amy Seitz to relay the mission statement.

2:57:00 PM

AMY SEITZ, Executive Director, Alaska Farm Bureau, Soldotna, Alaska, stated that the Alaska Farm Bureau's mission is to "Improve the Economic Well-Being and Expansion of Agriculture and to Enrich the Quality of Life for All Alaskans." COVID-19 made it abundantly clear that everybody is affected by issues related to food. She added that the Alaska Farm Bureau is a grassroots organization and as such the membership dictates the bureau's position on policies.

MR. MURGRAGE said the bill raises concerns about liability for these producers. There are standards to ensure food safety and the bill appears to be a work around.

MS. SEITZ suggested the administration gather all the stakeholders to discuss ideas about ways to expand markets and increase sales without placing all the liability on the producers. She said conversations will be important part of working through this and similar bills.

3:00:13 PM

SENATOR HUGHES suggested that in a future hearing the committee could hear legal remedies to release producers from liability concerns.

CHAIR WILSON asked the department to provide someone to address legal liability concerns.

3:01:03 PM

SENATOR COSTELLO asked whether the Alaska Farm Bureau had visited Anchorage elementary schools at lunch time and observed what is offered.

MS. SEITZ said she attended elementary school in Anchorage and remembers the lunches but she had not been there recently.

SENATOR COSTELLO said she believes there is a growing number of parents who would support a wholesale change to school lunch programs, because it's heart breaking to see what schools provide.

MS. SEITZ said the Alaska Farm Bureau has been trying to get more local foods into school meal programs for some time.

SENATOR COSTELLO said she brought it up to bring awareness to the fact that Alaskan children deserve better food than they're being offered.

3:05:25 PM

CHAIR WILSON [held SB 242 in committee].

3:05:38 PM

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 3:05 p.m.