

1 IN THE SENATE BY SENATORS OWEN AND ENGSTROM

2 SENATE BILL NO. 89

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of the
7 sale and shipment of shellfish and providing
8 health standards."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. REGISTRATION TO SHIP OR SELL SHELLFISH. No
11 person may ship into Alaska or sell, at wholesale or retail, fresh
12 or frozen shellfish of other than Alaskan origin, unless he
13 registers with the director of the division of public health,
14 Department of Health and Welfare. A shipper registered with the
15 director may transport into Alaska only shellfish obtained from
16 an approved source of supply. This source of supply shall be
17 approved by the director, or if he chooses, he may honor a certi-
18 ficate of approval issued by the agency of the other state having
19 sanitary control over that state's shellfish industry.

20 Sec. 2. AUTHORITY TO ADMINISTER. The director shall ad-
21 minister and enforce the provisions of this Act and may issue
22 any necessary regulations governing the registration of shippers
23 and sellers of shellfish, the approval of sources of supply of
24 shellfish, and the transportation and selling of shellfish to
25 assure the compliance with minimum health standards to protect
26 the public welfare.

27 Sec. 3. APPROVAL OF SOURCE OF SUPPLY. Any shipper may
28 apply to the director, in the manner prescribed by the director,
29 for the approval of any source of supply of shellfish. Upon

1 receipt of the application, the director shall investigate the
2 source of supply to determine if the minimum health standards
3 prescribed by law and by rules promulgated by the director are
4 being maintained. The bacterial examination of shellfish shall
5 constitute one of the controlling factors in their approval. The
6 result of the bacterial examination of shellfish shall be inter-
7 preted in accordance with the numerical system established by
8 the American Public Health Association for rating shellfish for
9 coliform. If the rating for coliform equals 2400 or more, the
10 shellfish shall not be approved. The director may also exclude
11 shellfish suspected of, or found to be, adulterated, misbranded,
12 containing pathogenic bacteria or otherwise unsanitary. The
13 director, or his agent, may take without payment samples of shell-
14 fish for examination to enforce the provisions of this Act. If
15 the director determines that the source of supply meets the
16 standards prescribed by this Act he may approve the application.

17 Sec. 4. REVOCATION OF REGISTRATION. The director shall
18 revoke the registration of any shipper or seller of shellfish and
19 may revoke the approval of any source of supply upon the violation
20 of any provision of this Act or any regulation promulgated by the
21 director.

22 Sec. 5. SHIPPER'S TAG. A registered shipper transporting
23 shellfish into Alaska shall attach a tag to each shipping recep-
24 tacle containing shellfish. This tag shall be waterproof, colored
25 white or manila, not less than two and five-eighths inches by
26 five and one-half inches in size and shall state clearly and
27 legibly the following information:

28 (1) the shipper's state registration number preceded
29 by state abbreviations;

1 (2) the consignee's name and address;
2 (3) the contents and the size and type of container;
3 (4) source of supply and the bed number, if any;
4 (5) date of shipment;
5 (6) if a shipper or reshipper purchases shellfish from
6 another shipper, the original shipper's tag must remain on the
7 container and the space on the front of the original shipper's
8 tag shall be stamped with the state registration number of the
9 reshipper and the date of reshipment. The original shipper shall
10 be a registered shipper with the director; and

11 (7) on the back of the tag the shipper shall insert
12 the shipper's name and address.

13 Sec. 6. PENALTIES. It shall be unlawful for any person to
14 bring, have, sell or offer for sale in Alaska shellfish for any
15 purpose from an excluded shipper or source of supply. A person
16 violating this Act shall be guilty of a misdemeanor. Possession
17 of shellfish, or parts of shellfish, in a manner contrary to this
18 Act shall be presumptive evidence that the shellfish were from
19 an unlawful source.

20 Sec. 7. DEFINITIONS. As used in this Act:

21 (1) "Shellfish" means any fresh or frozen oysters,
22 clams and mussels, crab, shrimp, lobsters, scallops, and abalone;

23 (2) "Director" means the director, division of public
24 health, Department of Health and Welfare;

25 (3) "Source of supply" means the waters from which
26 shellfish are taken and the processing plants;

27 (4) "Shipper" means a person who ships or causes shell-
28 fish to be shipped into the State of Alaska

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