HOUSE BILL NO. 60

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE TAYLOR BY REQUEST

Introduced: 1/23/91
Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the exchange of certain fish for seafood products."

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

*** Section 1.** AS 03.05.011(a) is amended to read:

(a) To carry out the requirements of this title, the commissioner of environmental conservation may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) examination and inspection of premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of meat, fish, and poultry;

(4) tests and analyses which may be made and hearings which may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) cooperation with federal and other state agencies;

(6) regulation of fur farming; for purposes of this paragraph, "fur farming" means

1 the raising of and caring for animals for the purpose of marketing their fur, or animals
2 themselves for breeding stock;
3 (7) examination and inspection of meat, fish, and poultry advertised for sale or
4 sold to the public;
5 (8) enforcement of quality assurance plans developed in cooperation with
6 appropriate industry representatives;
7 (9) establishment of standards and conditions for the operation and siting of
8 aquatic farms and related hatcheries, including
9 (A) restrictions on the use of chemicals; and
10 (B) requirements to protect the public from contaminated aquatic farm
11 products that pose a risk to health;
12 (10) monitoring of aquatic farms and aquatic farm products to ensure compliance
13 with this chapter and with the requirements of the national shellfish sanitation program manual
14 of operations published by the Food and Drug Administration;
15 **(11) monitoring of persons engaged in exchanging seafood products for raw**
16 **fish under AS 16.05.833 to ensure compliance with this chapter and to protect the public**
17 **health**.
18 * **Sec. 2.** AS 03.05.020(a) is amended to read:
19 (a) The commissioner shall
20 (1) require routine inspection of food animals, fish, poultry, and derivative food
21 products, to protect the public against fraud, disease, and spoilage, and in this connection adopt
22 uniform regulations establishing standards of identity and composition of these food products and
23 minimum standards of sanitation and handling methods as to all phases of slaughtering,
24 processing, storing, transporting, displaying, and selling of these food products;
25 (2) issue orders or cause the orders to be issued by an authorized veterinarian
26 prohibiting transportation and sale of food products intended for human consumption that do not
27 meet the minimum requirements established under (1) of this subsection, and limiting their use
28 and disposal in conformity with protection of the public;
29 (3) adopt a schedule of fees or charges, and credit provisions, for services
30 rendered by state veterinarians to farmers and others at their request in caring for livestock and
31 poultry, and all the fees shall be transmitted to the commissioner for deposit in the state treasury;

(4) designate points of entry for admission of livestock or poultry into the state, and arrange inspection at those points with or without collaboration and assistance of the federal government, and bar entry of stock or poultry not shipped under a valid permit or not free from contagious or infectious disease;

(5) adopt, repeal, and amend regulations consistent with existing law for

(A) the labeling and grading of milk and milk products and standards of cleanliness and sanitation, to at least the minimum of current recommendations of the United States Public Health Service, for the operation of dairies selling, or offering for sale, milk or milk products;

(B) the production and sale of ice cream and allied frozen desserts;

(C) the production and sale of imitation milk and imitation milk products;

(6) establish a field-kill inspection program for reindeer that is available at state expense and provides for voluntary participation on the part of reindeer herders and processors who wish to have the inspected reindeer used in federally inspected meat products;

(7) determine the yield of seafood products derived from species of fish taken in sport and personal use fisheries that are processed by customary processing methods and provide this information to persons engaged in the business of custom processing of fish who exchange raw fish for seafood products under AS 16.05.833;

(8) establish procedures for the disposal of unused, excess, or abandoned stocks of seafood products maintained for exchange under AS 16.05.833 to ensure that these products do not enter commerce; procedures may provide for distribution of these products to indigent persons.

* **Sec. 3.** AS 16.05 is amended by adding a new section to read:

Sec. 16.05.833. EXCHANGE OF RAW FISH FOR SEAFOOD PRODUCTS. (a) A person who takes a fish in a sport or personal use fishery may as provided in this section exchange the raw fish for seafood products with a person authorized under (b) of this section to exchange seafood products for raw fish.

(b) A person who is engaged in the business of custom processing of fish taken in a sport or personal use fishery may exchange seafood products for raw fish taken in a sport or personal use fishery and may charge a fee for services rendered in preparing and manufacturing the seafood product for exchange.

1 (c) Under this section, a person may not exchange a raw fish taken in a sport or personal
2 use fishery for a seafood product derived from a species of fish other than the species of the raw
3 fish offered for exchange. A person may not exchange fish taken in a sport or personal use
4 fishery for seafood products except as provided in this section or as otherwise provided by law.
5 (d) Seafood products offered in exchange for raw fish under this section may be
6 manufactured from fish taken in a commercial, sport, or personal use fishery. Seafood products
7 offered in exchange for raw fish under this section, and raw fish to be manufactured into seafood
8 products under this section, shall be labeled prominently "NOT FOR SALE" and may not be sold
9 or bartered. A person who receives raw fish taken in a sport or personal use fishery in exchange
10 for seafood products shall process the raw fish into seafood products for subsequent exchange
11 for other raw fish.
12 (e) A person who receives raw fish in exchange for seafood products or who maintains
13 stocks of seafood products available for exchange under this section shall at all times maintain
14 these fish and seafood products separate from fish and seafood products available for sale or
15 barter.
16 (f) Only wholesome fish may be accepted in exchange for seafood products under this
17 section. The amount of seafood products provided in exchange for raw fish shall be
18 approximately equal to the amount of seafood product derived from raw fish as the result of the
19 processing method utilized to manufacture the seafood product, as determined by the Department
20 of Environmental Conservation under AS 03.05.020.
21 (g) A person who maintains stocks of or manufactures seafood products for exchange for
22 raw fish under this section shall keep, and retain for two calendar years, records of the quantity
23 of each species of fish received in exchange for seafood products, the quantity of each type of
24 seafood products manufactured for exchange under this section, and the quantity of each type of
25 seafood product exchanged for raw fish under this section. The records shall be available for
26 inspection on any business day during usual business hours by an employee of the Department
27 of Environmental Conservation, Department of Fish and Game, or the Department of Public
28 Safety.
29 (h) The Board of Fisheries, after consultation with the Department of Environmental
30 Conservation if appropriate, may adopt regulations necessary to implement this section.
31 (i) The receipt under this section of raw fish taken in a sport or personal use fishery, the

1 exchange of raw fish for seafood products under this section, and the manufacturing of raw fish
2 into seafood products for exchange for raw fish under this section
3 (1) are not activities subject to AS 16.10.265 - 16.10.296 or AS 43.75;
4 (2) do not constitute sale or barter of fish.
5 (j) In this section
6 (1) "custom processing" means the small scale manufacture of seafood products
7 for personal use at the request of and to the specifications of the person who caught the fish;
8 (2) "raw fish" means unprocessed fish, except that acts necessary to avoid
9 spoilage or decomposition of fish including heading, gutting, gilling, and bleeding do not
10 constitute processing;
11 (3) "seafood product" means a finfish, shellfish, amphibian, or other aquatic
12 animal or part or byproduct of a finfish, shellfish, amphibian, or other aquatic animal that has
13 been prepared for human consumption by butchering, canning, cooking, dehydrating, freezing,
14 pickling, salting, shucking, or smoking, or other food preservation method approved by the
15 Department of Environmental Conservation.