

## SENATE BILL NO. 153

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 3/9/93  
Referred: RES, FIN

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to the exchange of certain fish for seafood products, custom  
2 processing of certain fish, and use of certain fish for charitable purposes."

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

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

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

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

10 (2) establishment of quarantines for eradication of pests;

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

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

- 1 (5) cooperation with federal and other state agencies;
- 2 (6) regulation of fur farming; for purposes of this paragraph, "fur
- 3 farming" means the raising of and caring for animals for the purpose of marketing
- 4 their fur, or animals themselves for breeding stock;
- 5 (7) examination and inspection of meat, fish, and poultry advertised for
- 6 sale or sold to the public;
- 7 (8) enforcement of quality assurance plans developed in cooperation
- 8 with appropriate industry representatives;
- 9 (9) establishment of standards and conditions for the operation and
- 10 siting of aquatic farms and related hatcheries, including
- 11 (A) restrictions on the use of chemicals; and
- 12 (B) requirements to protect the public from contaminated
- 13 aquatic farm products that pose a risk to health;
- 14 (10) monitoring of aquatic farms and aquatic farm products to ensure
- 15 compliance with this chapter and with the requirements of the national shellfish
- 16 sanitation program manual of operations published by the Food and Drug
- 17 Administration;
- 18 (11) monitoring of persons engaged in exchanging seafood products
- 19 for raw fish under AS 16.05.833 or in custom processing of fish to ensure
- 20 compliance with this chapter and to protect the public health.

21 \* Sec. 2. AS 03.05.020(a) is amended to read:

- 22 (a) The commissioner shall
- 23 (1) require routine inspection of food animals, fish, poultry, and
- 24 derivative food products, to protect the public against fraud, disease, and spoilage, and
- 25 in this connection adopt uniform regulations establishing standards of identity and
- 26 composition of these food products and minimum standards of sanitation and handling
- 27 methods as to all phases of slaughtering, processing, storing, transporting, displaying,
- 28 and selling of these food products;
- 29 (2) issue orders or cause the orders to be issued by an authorized
- 30 veterinarian prohibiting transportation and sale of food products intended for human
- 31 consumption that do not meet the minimum requirements established under (1) of this

1 subsection, and limiting their use and disposal in conformity with protection of the  
2 public;

3 (3) adopt a schedule of fees or charges, and credit provisions, for  
4 services rendered by state veterinarians to farmers and others at their request in caring  
5 for livestock and poultry, and all the fees shall be transmitted to the commissioner for  
6 deposit in the state treasury;

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

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

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

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

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

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

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

30 (8) establish procedures for the disposal of unused, excess, or  
31 abandoned custom processed fish or stocks of seafood products maintained for

1 exchange under AS 16.05.833 to ensure that these products do not enter  
2 commerce; the procedures may provide for distribution of these products to  
3 indigent persons.

4 \* Sec. 3. AS 03.05.100 is amended by adding a new paragraph to read:

5 (4) "custom processing" has the meaning given in AS 16.05.833.

6 \* Sec. 4. AS 16.05 is amended by adding a new section to read:

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

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

16 (c) Under this section, a person may not exchange a raw fish taken in a sport  
17 or personal use fishery for a seafood product derived from a species of fish other than  
18 the species of the raw fish offered for exchange. A person may not exchange fish  
19 taken in a sport or personal use fishery for seafood products except as provided in this  
20 section or as otherwise provided by law.

21 (d) Seafood products offered in exchange for raw fish under this section may  
22 be manufactured from fish taken in a commercial, sport, or personal use fishery.  
23 Seafood products offered in exchange for raw fish under this section, and raw fish to  
24 be manufactured into seafood products under this section, shall be labeled prominently  
25 "NOT FOR SALE" and may not be sold or bartered. A person who receives raw fish  
26 taken in a sport or personal use fishery in exchange for seafood products shall process  
27 the raw fish into seafood products for subsequent exchange for other raw fish.

28 (e) A person who receives raw fish for custom processing or in exchange for  
29 seafood products or who maintains stocks of seafood products available for exchange  
30 under this section shall at all times maintain these fish and seafood products separate  
31 from fish and seafood products available for sale or barter.

1 (f) Only wholesome fish may be accepted for custom processing or in  
2 exchange for seafood products under this section. The amount of seafood products  
3 provided in exchange for raw fish shall be approximately equal to the amount of  
4 seafood product derived from raw fish as the result of the processing method utilized  
5 to manufacture the seafood product, as determined by the Department of  
6 Environmental Conservation under AS 03.05.020. The quality of seafood products  
7 provided in exchange for raw fish shall be approximately equivalent to the quality of  
8 seafood products manufactured from raw fish of the same quality as the raw fish  
9 actually presented for exchange.

10 (g) A person who engages in custom processing of fish or who maintains  
11 stocks of or manufactures seafood products for exchange for raw fish under this  
12 section shall keep, and retain for two calendar years, records of each custom  
13 processing or exchange transaction, including the name and fishing license number of  
14 the person providing the fish for processing or exchange and the quantity of each  
15 species of fish received for custom processing or in exchange for seafood products; the  
16 quantity of each type of seafood products manufactured for exchange under this  
17 section; and the quantity of each type of seafood product exchanged for raw fish under  
18 this section. The records shall be available for inspection on any business day during  
19 usual business hours by an employee of the Department of Environmental  
20 Conservation, Department of Fish and Game, or the Department of Public Safety.

21 (h) The Board of Fisheries, after consultation with the Department of  
22 Environmental Conservation if appropriate, may adopt regulations necessary to  
23 implement this section.

24 (i) The receipt under this section of raw fish taken in a sport or personal use  
25 fishery, the exchange of raw fish for seafood products under this section, and the  
26 manufacturing of raw fish into seafood products for exchange for raw fish under this  
27 section

28 (1) are not activities subject to AS 16.10.265 - 16.10.296 or AS 43.75;

29 (2) do not constitute sale or barter of fish.

30 (j) A person may not contribute, collect, or distribute more than 1,500 pounds  
31 of custom processed fish taken in a sport or personal use fishery or fishery products

1 manufactured from raw fish taken in a sport or personal use fishery under this section  
2 for charitable purposes during a calendar year unless the department has issued a  
3 permit to the person to contribute, collect, or distribute custom processed fish and  
4 fishery products manufactured from fish taken in a sport or personal use fishery under  
5 this section. The department may issue a permit under this subsection, after  
6 consultation with the Department of Environmental Conservation, if the department  
7 finds that

8 (1) use of the fish or fishery products do not pose a risk to the  
9 consumer of the fish or fishery products;

10 (2) a bona fide and immediate charitable purpose is served;

11 (3) alternative sources of fish or fishery products are not readily  
12 available to achieve the charitable purpose; and

13 (4) issuance of the permit will not pose a risk to a fishery resource.

14 (k) In this section,

15 (1) "custom processing" means the small scale manufacture of seafood  
16 products from raw fish for personal use at the request of and to the specifications of  
17 the person who caught the fish; "custom processing" does not include heading, gutting,  
18 gilling, bleeding, filleting, freezing, or packaging for shipment performed by a charter  
19 operator, operator of a fishing lodge, or fishing guide who is employed by the person  
20 who took the fish;

21 (2) "raw fish" means unprocessed fish, except that acts necessary to  
22 avoid spoilage or decomposition of fish including heading, gutting, gilling, and  
23 bleeding do not constitute processing;

24 (3) "seafood product" means a finfish, shellfish, amphibian, or other  
25 aquatic animal or part or byproduct of a finfish, shellfish, amphibian, or other aquatic  
26 animal that has been prepared for human consumption by butchering, canning, cooking,  
27 dehydrating, freezing, pickling, salting, shucking, or smoking, or other food  
28 preservation method approved by the Department of Environmental Conservation.