

CS FOR SENATE BILL NO. 153(RES) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Amended: 5/4/93

Offered: 4/2/93

Sponsor(s): SENATOR TAYLOR

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 thermally
19 processed, vacuum packed, smoked, cured, or pickled seafood products for raw
20 fish under AS 16.05.833 or in custom processing of fish to ensure compliance with
21 this chapter and to protect the public health.

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

23 (a) The commissioner shall

24 (1) require routine inspection of food animals, fish, poultry, and
25 derivative food products, to protect the public against fraud, disease, and spoilage, and
26 in this connection adopt uniform regulations establishing standards of identity and
27 composition of these food products and minimum standards of sanitation and handling
28 methods as to all phases of slaughtering, processing, storing, transporting, displaying,
29 and selling of these food products;

30 (2) issue orders or cause the orders to be issued by an authorized
31 veterinarian prohibiting transportation and sale of food products intended for human

1 consumption that do not meet the minimum requirements established under (1) of this
2 subsection, and limiting their use and disposal in conformity with protection of the
3 public;

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

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

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

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

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

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

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

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

31 (8) establish procedures for the disposal of unused, excess, or

1 abandoned custom processed fish or stocks of seafood products maintained for
2 exchange under AS 16.05.833 to ensure that these products do not enter
3 commerce; the procedures may provide for distribution of these products to
4 indigent persons.

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

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

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

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

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

18 (c) Under this section, a person may not

19 (1) exchange a raw fish taken in a sport or personal use fishery for a
20 seafood product derived from a species of fish other than the species of the raw fish
21 offered for exchange;

22 (2) exchange a raw bivalve mollusc for a seafood product;

23 (3) exchange a seafood product manufactured from a bivalve mollusc
24 for a raw fish;

25 (4) engage in the business of custom processing of a bivalve mollusc
26 taken in a sport or personal use fishery; or

27 (5) exchange fish taken in a sport or personal use fishery for seafood
28 products except as provided in this section or as otherwise provided by law.

29 (d) Seafood products offered in exchange for raw fish under this section may
30 be manufactured from fish taken in a commercial, sport, or personal use fishery.
31 Seafood products offered in exchange for raw fish under this section, and raw fish to

1 be manufactured into seafood products under this section, shall be labeled prominently
2 "NOT FOR SALE" and may not be sold or bartered. A person who receives raw fish
3 taken in a sport or personal use fishery in exchange for seafood products shall process
4 the raw fish into seafood products for subsequent exchange for other raw fish.

5 (e) A person who receives raw fish for custom processing or in exchange for
6 seafood products or who maintains stocks of seafood products available for exchange
7 under this section shall at all times maintain these fish and seafood products separate
8 from commercially and personal use caught fish and seafood products available for
9 sale or barter.

10 (f) Only wholesome fish may be accepted for custom processing or in
11 exchange for seafood products under this section. The amount of seafood products
12 provided in exchange for raw fish shall be approximately equal to the amount of
13 seafood product derived from raw fish as the result of the processing method utilized
14 to manufacture the seafood product, as determined by the Department of
15 Environmental Conservation under AS 03.05.020. The quality of seafood products
16 provided in exchange for raw fish shall be approximately equivalent to the quality of
17 seafood products manufactured from raw fish of the same quality as the raw fish
18 actually presented for exchange.

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

30 (h) The Board of Fisheries, after consultation with the Department of
31 Environmental Conservation if appropriate, may adopt regulations necessary to

1 implement this section.

2 (i) The receipt under this section of raw fish taken in a sport or personal use
3 fishery, the exchange of raw fish for seafood products under this section, and the
4 manufacturing of raw fish into seafood products for exchange for raw fish under this
5 section

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

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

8 (j) A person may not contribute, collect, or distribute more than 1,500 pounds
9 of custom processed fish taken in a sport or personal use fishery or fishery products
10 manufactured from raw fish taken in a sport or personal use fishery under this section
11 for charitable purposes during a calendar year unless the department has issued a
12 permit to the person to contribute, collect, or distribute custom processed fish and
13 fishery products manufactured from fish taken in a sport or personal use fishery under
14 this section. The department may issue a permit under this subsection, after
15 consultation with the Department of Environmental Conservation, if the department
16 finds that

17 (1) use of the fish or fishery products does not pose a risk to the
18 consumer of the fish or fishery products;

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

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

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

23 (k) In this section,

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

30 (2) "raw fish" means unprocessed fish, except that acts necessary to
31 avoid spoilage or decomposition of fish including heading, gutting, gilling, and

1 bleeding do not constitute processing;

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