

SB

208

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2002

SUBJECT: HCSCSSB 208(Res) (Work Order No. 22-LS0788\L)

TO: Representative Drew Scalzi, Chair
House Resources Committee
Attn: Pat

FROM: 
Theresa L. Bannister
Legislative Counsel

This memo accompanies a draft of the bill described above.

1. Title change. This bill draft changes the title of SB 208 as it came out of the Senate. To avoid violating the Uniform Rules, you have requested and been provided with a House Concurrent Resolution to suspend the Uniform Rules that relate to the change of title.
2. Inconsistent language. Please note that language in sec. 17.20.048(a)(2) is inconsistent with the definition of "farmed halibut, salmon, or sablefish product" in sec. 17.20.040(b). This does not present a problem for the operation of the individual sections, but does appear to represent an inconsistent approach to the identification of "farmed" fish. Per the committee's amendment in sec. 17.20.048(a)(2), the "or" was deleted and results in the phrase reading "in captivity under control." Also per committee amendment, the definition in sec. 17.20.040(b) was taken from the current definition of farmed salmon product and contains the phrase "in captivity or under positive control." I recommend determining which approach is the better one and making the two phrases consistent. I realize that this CS has passed out of your committee, but I want to bring it to your attention and to suggest that this concern be passed along to the next committee of referral.
3. Federal preemption issue. Please be aware that preemption by federal law is an issue whenever you require certain labeling on food, as the bill does in sec. 1, and even when the provisions are voluntarily, as in proposed sec. 17.20.048. Because this is a very complex area, I do not know how the provisions of this bill would be affected by the federal laws and regulations affecting this subject, but wanted you to be aware that the issue is present.

If I may be of further assistance, please advise.

TLB:med
02-253.med

Enclosure

Check over

Sen. Ward's attempt -

Green? -

R. Samuelson - BB - support, amended language -
400,000 tons cod by 2012 - 32 dif. colors
wholesale/can pick -

DEC. J. Adair - CS - limits comments -

some concern prior versions apply to
hatchery - amend on floor of senate -

#1 - pg 3 line 30 remove or
passes

#2 9-10 -

#3

17.23.70 line 13
adding def of
farmed sal. or hal or sablefish
BK moves - CS SB 208 amended

BK - label fish not

FATE move CS SB 208 as amended
3x -



Alaska State Legislature

REPRESENTATIVE DREW SCALZI
State Capitol
Juneau, Alaska 99801-1182

(907) 465-2689; (800) 665-2689
FAX: (907) 465-3472

Representative_Drew_Scalzi@legis.state.ak.us

Official Business

*Barnette
Jerry
6650*

February 27, 2002

To: George Utermohle
Legal Counsel

From: Rep. Scalzi, co-chair
House Resources

*Resolution intro SCR
authorizing waiver
of rule - by committee
#Con [Leg] Ho waive Rules*

Please prepare a Resources Committee Substitute for CSSB208 with the following amendments:

1. Page 3, line 30, remove or

*used already in statute -
Definition*

2. Page 4, lines 9-10; after product, delete rest of sentence and replace with "includes halibut, salmon or sablefish or a food product made from halibut salmon or sablefish."

*means
~~XXXXXX~~*

3. Page 3, line 13, using your legal expertise, incorporate definitions for farmed salmon, halibut and sablefish as per Section 17.20.370. *See enclosed.*

This third amendment was a "conceptual" amendment by Rep. Kerttula and she stated she would leave the exact language up to the drafter.

Thank you for your assistance.

Sec. 17.20.370. Definitions.

In this chapter,

(9) "farmed salmon product" means a food product that contains salmon that is propagated, farmed, or cultivated in a facility that grows, farms, or cultivates finfish in captivity or under positive control but that is not a salmon hatchery that is owned by the state or that holds a salmon hatchery permit under AS 16.10.400; in this paragraph, "positive control" has the meaning given in AS 16.40.199;

add halibut & sablefish for SC

(12)

CS just adds "sablefish"

22-LS0788J
Bannister
2/26/02

CS FOR SENATE BILL NO. 208()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR WARD

A BILL

FOR AN ACT ENTITLED

*Change from
Senate*

1 "An Act relating to the labeling of, the advertising of, and the disclosure of certain
2 information about halibut, salmon, sablefish, halibut products, salmon products, and
3 sablefish products."

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

5 * Section 1. AS 17.20.040 is amended to read:

6 Sec. 17.20.040. Misbranded foods. Food is misbranded if

- 7 (1) its labeling is false or misleading in any particular;
- 8 (2) it is offered for sale under the name of another food;
- 9 (3) it is an imitation of another food, unless its label bears, in type of
10 uniform size and prominence, the word "imitation" and, immediately thereafter, the
11 name of the food imitated;
- 12 (4) its container is made, formed, or filled so as to be misleading;
- 13 (5) it is in package form unless it bears a label containing (A) the name
14 and place of business of the manufacturer, packer, or distributor; and (B) an accurate

1 statement of the quantity of the contents in terms of weight, measure, or numerical
2 count; however, under (B) of this paragraph, reasonable variations are permitted, and
3 exemptions for small packages shall be established by regulations prescribed by the
4 department;

5 (6) a word, statement, or other information required by or under
6 authority of this chapter to appear on the label or labeling is not prominently placed
7 with the conspicuousness (as compared with other words, statements, designs, or
8 devices, in the labeling) and in terms that [WHICH] make it likely to be read and
9 understood by the ordinary individual under customary conditions of purchase and
10 use;

11 (7) it purports to be or is represented as a food for which a definition
12 and standard of identity has been prescribed by regulations as provided by
13 AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label
14 bears the name of the food specified in the definition and standard and the common
15 names of optional ingredients other than spices, flavoring, and coloring present in the
16 food as required by regulation;

17 (8) it purports to be or is represented as (A) a food for which a
18 standard of quality has been prescribed by regulations, and its quality falls below that
19 standard, unless its label bears, in the manner and form the regulations specify, a
20 statement that it falls below that standard; or (B) a food for which a standard of fill of
21 container has been prescribed by regulation as provided by AS 17.20.010 and it falls
22 below the applicable standard of fill of container, unless its label bears, in the manner
23 and form as the regulations specify, a statement that it falls below that standard;

24 (9) it is not subject to the provisions of (7) of this section, unless it
25 bears labeling clearly giving (A) the common or usual name of the food, if any, and
26 (B) in case it is fabricated from two or more ingredients, the common or usual name of
27 each ingredient; except that, however, spices, flavorings, and colorings, other than
28 those sold as such, may be designated as spices, flavorings, and colorings, without
29 naming each; however, to the extent that compliance with the requirements of (B) of
30 this paragraph is impracticable, or results in deception or unfair competition,
31 exemptions shall be established by regulations adopted [PROMULGATED] by the

1 department, but the requirements of (B) of this paragraph do not apply to food
2 products that [WHICH] are packaged at the direction of purchasers at retail at the
3 time of sale, the ingredients of which are disclosed to the purchasers by other means in
4 accordance with regulations adopted by the department;

5 (10) it purports to be or is represented for special dietary uses, unless
6 its label bears information concerning its vitamin, mineral, and other dietary properties
7 the commissioner determines to be, and by regulations prescribes as, necessary in
8 order fully to inform purchasers as to its value for those uses;

9 (11) it bears or contains artificial flavoring, artificial coloring, or
10 chemical preservative, unless it bears labeling stating that fact; however, to the extent
11 that compliance with the requirements of this paragraph is impracticable, exemption
12 shall be established by regulations adopted by the department;

13 (12) the food is a farmed halibut, salmon, or sablefish product, unless

Sec. 17, 2037D

14 (A) the product is labeled to identify the product as farmed fish
15 raised outside the state, if the product is sold in a packaged form; or

16 (B) the product is conspicuously identified as farmed fish
17 raised outside the state, if the product is sold in an unpackaged form;

18 (13) the labeling or advertisement of the food is inconsistent with
19 the labeling or advertisement provisions of AS 17.20.048.

20 * Sec. 2. AS 17.20 is amended by adding a new section to read:

21 Sec. 17.20.048. Labeling and advertisement of halibut, salmon, and
22 sablefish products. (a) A person who sells halibut, salmon, or sablefish products at
23 wholesale or retail in this state may label or advertise the product as being or
24 containing a "wild" halibut, salmon, or sablefish product, an "antibiotic-free" halibut,
25 salmon, or sablefish product, or a "hormone-free" halibut, salmon, or sablefish
26 product, and may indicate that the product or the halibut, salmon, or sablefish in the
27 product is free from added colors and additives, if the product or the halibut, salmon,
28 or sablefish in the product is

29 (1) harvested from a river or an ocean;

30 (2) has not been raised in captivity or under control for its entire life;

31 and

#1

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(3) is free from added colors and additives.

(b) The labeling or advertising allowed for a halibut, salmon, or sablefish product by (a) of this section may appear on the principal display panel of a packaged product, may be conspicuously attached to the container of a bulk product, or may appear in an advertisement for the product, including media advertising and displays or placards posted in retail stores. In this subsection, "principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for sale.

includes h s s or

#2
10

(c) In this section, "halibut, salmon, or sablefish product" means halibut, salmon, sablefish, a halibut product, a salmon product, or a sablefish product.

*or a Food product
made from h s or s*

Whole c.c.

Title 17.23.70 -

#3 -



SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

SB 208

“An Act relating to the labeling of, the advertising of, and the disclosure of certain information about Halibut, Salmon, Halibut products, and Salmon products.”

SB 208 adds a new section relating to the labeling and advertisement of halibut and salmon products. This section will allow a person to sell or advertise halibut or salmon products as “wild,” “antibiotic-free,” “hormone free,” and dye-free” if the product is harvested from a river or an ocean and has not been raised in captivity.

We have all seen the beautiful displays of farmed salmon at fish counters or restaurants without realizing that the varying shades of pink are artificially created. Almost 100% of all farmed salmon is artificially colored with either canthaxanthin or astaxanthin, a process sometimes called “color finishing” to give farmed salmon the attractive red color associated with wild salmon and salmon products that consumers expect.

Federal regulations call for declaration of the use of canthaxanthin or astaxanthin at the retail level but that information is rarely passed on to the consumer. Additionally, it is common practice to add antibiotics and other supplements to farmed finfish diets.

This legislation will allow a clear distinction to the consumer informing them of the natural benefits of “wild salmon” and “wild halibut.”

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-4940 • FAX (907) 465-3766

ANCHORAGE: 716 W. 4th AVE. • STE. 450 • ANCHORAGE, AK 99501 • (907) 269-0106 • FAX (907) 269-0109

KENAI: 145 MAIN STREET LOOP • KENAI, AK • 99611 • (907) 283-7996 • FAX (907) 283-3075

Vice-Chair, Senate Finance Committee • Vice-Chair, Senate Transportation • Member, Senate Health Education & Social Services
Senator_Jerry_Ward@legis.state.ak.us

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MEMORANDUM

April 28, 2001

SUBJECT: Sectional Summary of SB 208 relating to the labeling and advertising of salmon and halibut products (Work Order No. 22-LS0788\C)

TO: Senator Jerry Ward
Attn: Loretta

FROM: ^{TLB} Theresa L. Bannister
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. AS 17.20.040(12) and (13). Amends the section that identifies when food is misbranded. In paragraph (12), adds farmed halibut to the paragraph that presently considers farmed salmon products as being misbranded unless the products are labeled (if packaged), or conspicuously identified (if not packaged), as farmed fish raised outside the state.

In paragraph (13), identifies food as misbranded if the food's labeling or advertisement is inconsistent with the bill's new section (AS 17.20.048), which relates to the labeling and advertisement of halibut and salmon products.

Section 2. AS 17.20.048. Adds a new section relating to the labeling and advertisement of halibut and salmon products. Allows a person to sell or advertise a halibut or salmon product as "wild," "antibiotic-free," or "hormone free" if the product is harvested from a river or an ocean and has not been raised in captivity. Indicates that the labeling may appear on the product's principal display panel, be conspicuously attached to the container of a bulk product, or appear in an advertisement for the product.

If I may be of further assistance, please advise.

TLB:lmb
01-145.lmb

SECTIONAL

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL HEALTH
 DIRECTOR'S OFFICE
 555 CORDOVA STREET
 ANCHORAGE, ALASKA 99501
 http://www.state.ak.us/dec/deh

Telephone: (907) 269-7644
 Fax: (907) 269-7654
 e-mail: Janice_Adair@envtcon.state.ak.us

February 25, 2002

The Honorable Beverly Masck
 Co-Chairperson, House Resources Committee
 Room 128, Capital Building
 Juneau, AK 99801

The Honorable Drew Scalzi
 Co-Chairperson, House Resources Committee
 Room 13, Capital Building
 Juneau, AK 99801

Re: SB 208, Labeling of Salmon and Halibut

For Hand Delivery

Dear Representatives Masck and Scalzi:

The above-referenced bill will be heard in your committee on Wednesday, February 27, 2002. I'd like to bring a matter to your attention with the hopes of amending the bill, although I believe it would require a title change.

Enclosed, you will find an article by Lani Welch about the success of the Canadians in farming Sablefish (black cod). As she notes, this is one of Alaska's priciest species. The fact that it is now being successfully farmed and marketed would suggest that it should be included in this legislation so that it would have to be clearly labeled as farmed if sold in Alaska and processors would be encouraged to label their wild product as such. ** [We have discussed this amendment with Senator Ward, the bill's sponsor, and he does not object to it.]*

I will be on line during Wednesday's hearing to answer any questions you may have.

Sincerely,

Janice
 Janice Adair
 Director

Enclosure: October 28, 2001 Alaska Journal of Commerce article by Lani Welch

cc: The Honorable Hugh Fate
 The Honorable Mike Chenault
 The Honorable Joe Green
 The Honorable Lesil McGuire
 The Honorable Gary Stevens
 The Honorable Mary Kapsner
 The Honorable Beth Kerttula
 (all with enclosure as noted)

Safe Food, Safe Water, Healthy Communities

cs being drafted to add sablefish

drop. People respond differently in crisis situations. Expect to see lower attendance, difficulty concentrating, forgetfulness, and requests for sick leave and increased absenteeism — all normal responses. People will need to talk more, a natural aspect of dealing with tragedy. The more they talk, the healthier the organization becomes. Simple expressions of concern and help with simple, daily tasks will go a long way to improve productivity.

K: Keep communication open. Information is powerful as an energy source. Meet with staff members at all levels to express grief, as well as to promote available resources and other services. Keep Web sites updated, and provide a place for people to watch or listen to the

... .. it is OK to cry and that anger is a natural part of acceptance and recovery.

R: Restrict negative behavior. Even though anger is part of this process, make sure you draw the line to prevent actual abuse, harassment and verbal venting of their anger on other people. Make clear, in no uncertain terms, that behavior of this sort will not be tolerated and will be dealt with firmly.

G: Get people to focus on a higher calling. The purpose of terrorism is to affect the greatest number of people.



Farmed black cod from Canada could jolt Alaskans who sell wild fish to Japan

By Laina Welch
For the Journal



Sablefish (more commonly called black cod) is one of Alaska's priciest species, and the state has long held a corner on the market in Japan, where virtually all of the product goes. But those lucky enough to hold fishing permits for black cod could soon face a rude awakening when farmed sablefish from British Columbia starts hitting the market this year.

For the past year, a handful of Canadian fish farmers has been growing black cod in saltwater pens, and the fish will be ready for retail counters in December. Currently, there are three black cod farms

FISH FACTOR

in British Columbia which have been operating under experimental permits.

According to the Fish Information Service, the Canadian fish farmers began a broodstock collection three years ago. The black cod are spawned at the Island Sealops Hatchery in Qualicum Beach, B.C., where they are reared to roughly 5 grams. From there, the tiny fish are sent to fish farms where they grow to market sizes of around 2 pounds to a whopping 17 pounds, huge for a black cod.

According to operations manager Peter Phillips, the farmed sablefish exhibit much faster growth rates com-

pared to those in the wild. They also have excellent survival rates of 22 percent at the hatchery and an impressive 90 percent in the farm pens. Farmers also say they have experienced no problems with diseases.

How the quality, taste and texture of farmed sablefish will compare to the wild variety remains unknown but not for long. Manager Eric Norman of Taku Fisheries in Juneau worries that the farmed fish could create serious competition for commercial fishermen.

"With black cod, you've got an extremely limited supply, especially with

these wild fisheries. It's only about 25 million pounds (dressed weight) in the whole world," Norman told the FIS.

"Obviously, it's quite expensive, and demand is relative to supply, but it wouldn't take more than 5 or 10 million pounds. That's an afternoon's work for these fish farmers to have a serious impact on the marketplace."

Alaska longliners have a black cod catch quota of just less than 30 million pounds this year in a season that runs from March 15 to Nov. 15.



Welch

Another fall fishery at Chatham Strait in Southeast yields another 2 million pounds. Fishermen have been getting around \$3.60 per pound for their sablefish this year.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 208(L&C) am
 (*) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
 Title Farmed Salmon Disclosures BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Senator Ward
 Requester House Resources Committee Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Janice Adair, Director
 Division: Division of Environmental Health
 Approved by: Kurt Fredriksson
 Agency: Department of Environmental Conservation

Phone (907) 263-7644
 Date/Time 2/20/02 12:41 PM
 Date 2/20/2002

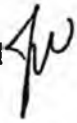


SENATOR JERRY WARD

ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Representative Drew Scalzi, Co-chair
Representative Beverly Masek, Co-chair
House Resources Committee

FROM: Senator Jerry Ward 

DATE: February 7, 2002

SUBJECT: SB 208 Request for Hearing

I respectfully request a hearing for SB 208, "An Act relating to the labeling of, the advertising of, and the disclosure of certain information about halibut, salmon, halibut products, and salmon products." This legislation would allow a person to sell or advertise halibut or salmon products as "wild," "antibiotic-free," "hormone free," and "dye-free" if the product is harvested from a river or an ocean and has not been raised in captivity. A copy of SB 208, the sponsor statement and other documentation is enclosed.

Thank you for your consideration of this request. If you or your staff should have any questions, please contact me at 465-4940.

22-LS0788V
Bannister
2/26/02

CS FOR SENATE BILL NO. 208()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR WARD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the labeling of, the advertising of, and the disclosure of certain
2 information about halibut, salmon, sablefish, halibut products, salmon products, and
3 sablefish products."

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

5 * **Section 1.** AS 17.20.040 is amended to read:

6 **Sec. 17.20.040. Misbranded foods.** Food is misbranded if

7 (1) its labeling is false or misleading in any particular;

8 (2) it is offered for sale under the name of another food;

9 (3) it is an imitation of another food, unless its label bears, in type of
10 uniform size and prominence, the word "imitation" and, immediately thereafter, the
11 name of the food imitated;

12 (4) its container is made, formed, or filled so as to be misleading;

13 (5) it is in package form unless it bears a label containing (A) the name
14 and place of business of the manufacturer, packer, or distributor; and (B) an accurate

1 statement of the quantity of the contents in terms of weight, measure, or numerical
2 count; however, under (B) of this paragraph, reasonable variations are permitted, and
3 exemptions for small packages shall be established by regulations prescribed by the
4 department;

5 (6) a word, statement, or other information required by or under
6 authority of this chapter to appear on the label or labeling is not prominently placed
7 with the conspicuousness (as compared with other words, statements, designs, or
8 devices, in the labeling) and in terms that [WHICH] make it likely to be read and
9 understood by the ordinary individual under customary conditions of purchase and
10 use;

11 (7) it purports to be or is represented as a food for which a definition
12 and standard of identity has been prescribed by regulations as provided by
13 AS 17.20.010, unless (A) it conforms to the definition and standard, and (B) its label
14 bears the name of the food specified in the definition and standard and the common
15 names of optional ingredients other than spices, flavoring, and coloring present in the
16 food as required by regulation;

17 (8) it purports to be or is represented as (A) a food for which a
18 standard of quality has been prescribed by regulations, and its quality falls below that
19 standard, unless its label bears, in the manner and form the regulations specify, a
20 statement that it falls below that standard; or (B) a food for which a standard of fill of
21 container has been prescribed by regulation as provided by AS 17.20.010 and it falls
22 below the applicable standard of fill of container, unless its label bears, in the manner
23 and form as the regulations specify, a statement that it falls below that standard;

24 (9) it is not subject to the provisions of (7) of this section, unless it
25 bears labeling clearly giving (A) the common or usual name of the food, if any, and
26 (B) in case it is fabricated from two or more ingredients, the common or usual name of
27 each ingredient; except that, however, spices, flavorings, and colorings, other than
28 those sold as such, may be designated as spices, flavorings, and colorings, without
29 naming each; however, to the extent that compliance with the requirements of (B) of
30 this paragraph is impracticable, or results in deception or unfair competition,
31 exemptions shall be established by regulations adopted [PROMULGATED] by the

1 department, but the requirements of (B) of this paragraph do not apply to food
2 products that [WHICH] are packaged at the direction of purchasers at retail at the
3 time of sale, the ingredients of which are disclosed to the purchasers by other means in
4 accordance with regulations adopted by the department;

5 (10) it purports to be or is represented for special dietary uses, unless
6 its label bears information concerning its vitamin, mineral, and other dietary properties
7 the commissioner determines to be, and by regulations prescribes as, necessary in
8 order fully to inform purchasers as to its value for those uses;

9 (11) it bears or contains artificial flavoring, artificial coloring, or
10 chemical preservative, unless it bears labeling stating that fact; however, to the extent
11 that compliance with the requirements of this paragraph is impracticable, exemption
12 shall be established by regulations adopted by the department;

13 (12) the food is a farmed halibut, salmon, or sablefish product, unless

14 (A) the product is labeled to identify the product as farmed fish
15 raised outside the state, if the product is sold in a packaged form; or

16 (B) the product is conspicuously identified as farmed fish
17 raised outside the state, if the product is sold in an unpackaged form;

18 (13) the labeling or advertisement of the food is inconsistent with
19 the labeling or advertisement provisions of AS 17.20.048.

20 * Sec. 2. AS 17.20 is amended by adding a new section to read:

21 **Sec. 17.20.048. Labeling and advertisement of halibut, salmon, and**
22 **sablefish products.** (a) A person who sells halibut, salmon, or sablefish products at
23 wholesale or retail in this state may label or advertise the product as being or
24 containing a "wild" halibut, salmon, or sablefish product, an "antibiotic-free" halibut,
25 salmon, or sablefish product, or a "hormone-free" halibut, salmon, or sablefish
26 product, and may indicate that the product or the halibut, salmon, or sablefish in the
27 product is free from added colors and additives, if the product or the halibut, salmon,
28 or sablefish in the product is

29 (1) harvested from a river or an ocean;

30 (2) has not been raised in captivity or under control for its entire life;

31 and

1 (3) is free from added colors and additives.

2 (b) The labeling or advertising allowed for a halibut, salmon, or sablefish
3 product by (a) of this section may appear on the principal display panel of a packaged
4 product, may be conspicuously attached to the container of a bulk product, or may
5 appear in an advertisement for the product, including media advertising and displays
6 or placards posted in retail stores. In this subsection, "principal display panel" means
7 the part of a label that is most likely to be displayed, presented, shown, or examined
8 under normal and customary conditions of display for sale.

9 (c) In this section, "halibut, salmon, or sablefish product" means halibut,
10 salmon, sablefish, a halibut product, a salmon product, or a sablefish product.