

HB

179

<TARGET><BILL>HB 179</BILL><SUBJECT>HB
179</SUBJECT><COMM>HRES29</COMM></TARGET>

CS FOR HOUSE BILL NO. 179()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Millett, Ortiz, Kito, Stutes, Muñoz, Wilson, Foster, Nageak

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to donations of certain food items to certain food service organizations**
2 **and to food banks."**

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

4 *** Section 1.** AS 16.05 is amended by adding a new section to read:

5 **Sec. 16.05.931. Donation of food items to meal programs.** (a)
6 Notwithstanding any other provision of this chapter, to the extent consistent with
7 federal law, a person may donate covered food items to a covered organization located
8 in the state or a food bank located in the state, except that a person who takes a
9 covered food item as a proxy on behalf of another person under AS 16.05.405 may not
10 donate the covered food item to a covered organization under this section unless the
11 person on whose behalf the proxy took the covered food item is a user of the covered
12 organization.

13 (b) The food items that a person may donate under (a) of this section are
14 (1) lawfully taken game, marine plants, and aquatic plants, or parts of

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game, marine plants, or aquatic plants;

(2) lawfully taken nests or eggs of fish or game; and

(3) fish or parts of a fish, if taken lawfully for subsistence or sport use.

(c) A covered organization that may accept covered food items under this section is

(1) a public, nonprofit, or private school or child care facility, including a preschool facility and a head start facility;

(2) a public or nonprofit residential child care facility or residential psychiatric treatment center licensed under AS 47.32;

(3) a public or nonprofit hospital, medical clinic, long-term health care facility, or other medical facility;

(4) a senior center facility or a food program for senior individuals.

(d) A covered organization may provide meals with the covered food items to the covered organization's staff and

(1) the students attending the covered organization, if the covered organization is a public, nonprofit, or private school, including a preschool facility and a head start facility;

(2) the patients of the covered organization, if the covered organization is a public or nonprofit hospital, medical clinic, long-term health care facility, or residential psychiatric treatment center;

(3) the children whom the covered organization provides care for, if the covered organization is a public, nonprofit, or private child care facility, or residential child care facility;

(4) the senior individuals using the services of the covered organization, if the covered organization is a senior center or a senior food program.

(e) Notwithstanding any other provision of law, a covered organization may accept local, state, and federal funding for a meal service program of the covered organization and may charge fees for meals that it provides to its users and staff. However, a covered organization may not sell its meals to persons other than its users and staff.

(f) In this section,

1 (1) "covered food item" means a food item identified in (b) of this
2 section;

3 (2) "covered organization" means a facility identified in (c) of this
4 section;

5 (3) "food bank" has the meaning given in AS 17.20.347;

6 (4) "head start facility" means a facility operating as a head start
7 facility under AS 14.38.010;

8 (5) "meal" means a meal provided for immediate consumption using
9 covered food items;

10 (6) "meal service program" means a program under which a covered
11 organization provides meals to its users and its staff under this section;

12 (7) "residential child care facility" has the meaning given in
13 AS 47.32.900;

14 (8) "residential psychiatric treatment center" has the meaning given in
15 AS 47.32.900;

16 (9) "senior center facility" means a facility that provides senior
17 individuals with services and activities;

18 (10) "senior food program" means a program that provides senior
19 individuals with food;

20 (11) "senior individual" means an individual who is 60 years of age or
21 older;

22 (12) "users" means the individuals identified in (d) of this section.

23 * **Sec. 2.** AS 17.20.345(a) is amended to read:

24 (a) Notwithstanding the provisions of AS 17.20.290, 17.20.305, or 17.20.315,
25 a donor of food for free distribution by a food bank **or a donor of covered food items**
26 **under AS 16.05.931** is not subject to civil or criminal liability arising from an injury
27 or death attributable to the condition of the donated food **or covered food item** if the
28 injury or death is not a result of the gross negligence, recklessness, or intentional
29 misconduct of the donor.

30 * **Sec. 3.** AS 17.20.346(a) is amended to read:

31 (a) Notwithstanding the provisions of AS 17.20.290, 17.20.305, or 17.20.315,

1 a food bank that receives and distributes food, including a covered food item under
 2 AS 16.05.931, and a covered organization are [IS] not subject to civil or criminal
 3 liability arising from an injury or death attributable to the condition of the food or
 4 covered food item if

5 (1) the food bank or covered organization inspects the food received
 6 in a reasonable manner, [AND] finds it to be apparently fit for human consumption at
 7 the time of distribution, and, if the food is a covered food item, receives, processes,
 8 and stores the covered food item as required by the Department of
 9 Environmental Conservation;

10 (2) the food bank or covered organization has no actual or
 11 constructive knowledge at the time the food or covered food item is distributed that it
 12 is adulterated, tainted, contaminated, or would be harmful to the health or well-being
 13 of an individual consuming it; and

14 (3) the injury or death is not a direct result of the negligence,
 15 recklessness, or intentional misconduct of the food bank or the covered organization.

16 * **Sec. 4.** AS 17.20.346 is amended by adding a new subsection to read:

17 (c) In this section, "covered organization" means a covered organization that
 18 provides meals under AS 16.05.931. In this subsection, "covered organization" and
 19 "meal" have the meanings given in AS 16.05.931.

20 * **Sec. 5.** AS 17.20.347 is amended by adding a new paragraph to read:

21 (3) "covered food item" has the meaning given in AS 16.05.931.

ALASKA LEGISLATURE

Representative Jonathan Kreiss-Tomkins

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rep.jonathan.kreiss-tomkins@akleg.gov

Committees:
Education
Fisheries
Rules
State Affairs



Juneau, Alaska 99801 (Jan. – April)
State Capitol, Room 426
(907) 465-3732

Sitka, Alaska 99835 (May – Dec.)
201 Katlian Street, Ste. 103
(907) 747-4665

Sponsor Statement

HB 179 – Meal program donations; fish and game

Hunting and fishing is at the heart of our shared heritage as Alaskans. Every Alaskan looks forward to the season he or she can again fill the freezer with salmon, moose, caribou, seal, or berries. Alaskans happily share this food with family, children, and elders.

This sharing is not easily possible in our public institutions, however. Well-meaning state laws intended to prevent the commercialization of wild game have also largely prevented children in schools and elders in hospitals and senior centers from eating the traditional Alaska foods that we treasure. As a result, even though we are surrounded by some of the best food in the world, our children eat corndogs rather than caribou at school lunch; our elders are served spaghetti rather than seal.

HB 179 allows schools, medical facilities, senior centers, and child care facilities to accept and serve donated subsistence- and sport-caught fish, game, plants, and eggs in their food service programs. Currently, this is illegal if the food service program accepting the donation charges for the meal at any point before it is consumed. This means schools and senior centers are unable to provide meals containing subsistence- or sport-caught wild food if they accept any payment, including payment from federal or state meal programs.

The bill also ensures traditional wild foods donated to and served by food service programs are safe to eat. The Department of Environmental Conservation has regulations in place providing for the safe handling and processing of traditional wild foods. HB 179 does not affect those regulations.

HB 179 will nourish Alaska's children and elders, both physically and spiritually. It will limit the amount of expensive and unhealthy processed food shipped to communities that have incredible food available just a short boat or snowmachine ride away. Children will develop an appreciation where their food comes from and elders will be able to keep eating the foods they love.

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Sectional Analysis

HB 179 version E – Meal program donations; fish and game

Section 1 allows covered organizations to accept donations of covered food items for use in their meal service programs, and allows covered organizations to accept state funding, federal funding, and fees from staff and users for serving meals containing covered food items. Payment can only be accepted for meals provided to staff and users of the covered organization, not for meals provided to the general public. Users are individuals a covered organization serves.

For the purposes of the section, covered organizations are public or nonprofit licensed residential child care facilities, licensed residential treatment centers, hospitals, clinics, long-term care facilities, other medical facilities, senior center facilities, and senior meal programs, or public, nonprofit, or private schools and child care facilities.

Covered food items include lawfully taken game, marine plants, aquatic plants, parts of game, marine plants, or aquatic plants, lawfully taken nests or eggs of fish or game, and fish or parts of fish lawfully taken for subsistence or sport.

Section 2 indemnifies donors of covered food items as defined in section 1 from civil or criminal liability arising from injury or death attributable to the condition of the donated food if the injury or death is not a result of gross negligence, recklessness, or intentional misconduct of the donor.

Section 3 indemnifies covered organizations under section 1 from civil and criminal liability for injury or death attributable to the condition of donated food if the organization inspects the food and finds it fit for human consumption, processes the covered food item as required by the Department of Environmental Conservation, does not have knowledge of the food being adulterated or contaminated, and if the injury or death is not a result of negligence, recklessness, or intentional misconduct on the part of the program or facility.

Section 4 defines covered organization for the purposes of section 3.

Section 5 defines covered food item for the purposes of sections 2-4.

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HB 179 – Summary of Changes ver N to ver I

- Page 1, lines 7-8: Requires donations under the section to be made to a covered organization in Alaska.
- Page 1, lines 8-12: Prohibits donations of fish or game harvested with a proxy permit, unless the person for which the game is being proxy harvested is a user of the covered organization to which the donation will be made.
- Page 2, lines 21-22: Fixes a drafting error where the words “if the covered organization” were repeated.
- Page 2, line 27: Allows covered organizations to accept local funding for a meal service program.
- Page 4, lines 7-8: Adds that a covered organization must receive and store a covered food item as required by the Department of Environmental Conservation in order to be indemnified from liability.

Summary of Changes ver A to ver N

- Defines and uses “covered organization” to mean the list of organizations allowed to accept donations of wild food for their meal service programs. Expands the list of covered organizations listed in section 3(4) of version A to add private schools; public, nonprofit, and private child care facilities, including preschools and head start programs; licensed residential psychiatric treatment centers; a wider variety of senior center facilities; and senior meal programs.
- Defines and uses “covered food item” to mean the food allowed to be donated to a covered organization. The list of covered food items moved from section 1(a) in version A to section 1(b) in version N.
- Moves definition sections from Title 17 (section 3 of version A) to Title 16 (section 1(f) of version N). Defines additional terms.
- Removes fish harvested for personal use from the list of covered food items that can be donated.
- Allows food banks to accept donations of covered food items. A food bank is not a covered organization.
- Clarifies that all game, marine or aquatic plants, and nests or eggs of fish and game, not just those harvested for subsistence or sport, can be donated to a covered organization.
- Clarifies the bill’s intent to allow a covered organization to accept state funding, federal funding, and fees from staff and users for meals containing covered food items. Explicitly bars a covered organization from accepting payment for meals provided to people who are not staff or users, including the general public. Users are individuals a covered organization serves, and are defined in section 1(f)(12).
- Removes prescriptive language on food safety in Section 4(a) of version A, leaving that to regulation.
- Standardizes the terms used in the sections of the bill in Title 16 and Title 17, so that all sections refer to covered organizations and covered food items.
- Moves language on indemnification from liability for covered organizations to the existing sections of law providing indemnification to food banks, rather than creating a separate section.

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Sectional Analysis

HB 179 version I – Meal program donations; fish and game

Section 1 allows covered organizations to accept donations of covered food items for use in their meal service programs, and allows covered organizations to accept local, state, and federal funding, and fees from staff and users for serving meals containing covered food items. Payment can only be accepted for meals provided to staff and users of the covered organization, not for meals provided to the general public. Users are individuals a covered organization serves.

For the purposes of the section, covered organizations are public or nonprofit licensed residential child care facilities, licensed residential treatment centers, hospitals, clinics, long-term care facilities, other medical facilities, senior center facilities, and senior meal programs, or public, nonprofit, or private schools and child care facilities. Donations are allowed only to covered organizations in Alaska.

Covered food items include lawfully taken game, marine plants, aquatic plants, parts of game, marine plants, or aquatic plants, lawfully taken nests or eggs of fish or game, and fish or parts of fish lawfully taken for subsistence or sport.

Donations of fish and game harvested by proxy cannot be donated unless the person for whom the fish or game was harvested is a user of the covered organization that receives the donation.

Section 2 indemnifies donors of covered food items as defined in section 1 from civil or criminal liability arising from injury or death attributable to the condition of the donated food if the injury or death is not a result of gross negligence, recklessness, or intentional misconduct of the donor.

Section 3 indemnifies covered organizations under section 1 from civil and criminal liability for injury or death attributable to the condition of donated food if the organization inspects the food and finds it fit for human consumption; receives, stores, and processes the covered food item as required by the Department of Environmental Conservation; does not have knowledge of the food being adulterated or contaminated; and if the injury or death is not a result of negligence, recklessness, or intentional misconduct on the part of the program or facility.

Section 4 defines covered organization for the purposes of section 3.

Section 5 defines covered food item for the purposes of sections 2-4.

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HB 179 – Summary of Changes ver A to ver E

- Defines and uses “covered organization” to mean the list of organizations in section 3(4) of the prior version (version A) that are allowed to accept donations of wild food for their meal service programs. Expands the list of covered organizations listed in the prior version to add private schools; public, nonprofit, and private child care facilities, including preschools and head start programs; licensed residential psychiatric treatment centers; a wider variety of senior center facilities; and senior meal programs.
- Defines and uses “covered food item” to mean the food allowed to be donated to a covered organization under section 1 of version A, now section 1(b) of version E.
- Moves definition sections from Title 17 to Title 16. Defines additional terms.
- Removes personal use fish from the list of covered food items that can be donated. This means the status quo rules remain in place for personal use caught fish.
- Makes clear that all game, marine or aquatic plants, and nests or eggs of fish and game, not just those harvested for subsistence or sport, can be donated under the bill.
- Explicitly allows a covered organization to accept state funding, federal funding, and fees from staff and users for meals containing covered food items. Explicitly bars a covered organization from accepting payment for meals provided to people who are not staff or users, including the general public. Users are individuals a covered organization serves.
- Removes the specific language on food safety in Section 4(a) of version A. Discussions with DEC led to the conclusion that this language was better left to regulation.
- Standardizes language between the sections of the bill in Title 16 and Title 17, so that all sections refer to covered organizations and covered food items.
- Moves language on indemnification from liability for covered organizations to the existing section providing indemnification to food banks, rather than creating a separate section.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSHB 179(FSH)
Fiscal Note Number:	1
(H) Publish Date:	4/8/2015

Identifier: HB179-DEC-FSS-04-03-15
 Title: FOOD PROGRAM DONATIONS; FISH AND GAME
 Sponsor: KREISS-TOMKINS
 Requester: House Fisheries Committee

Department: Department of Environmental Conservation
 Appropriation: Environmental Health
 Allocation: Food Safety & Sanitation
 OMB Component Number: 2343

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Elaine Busse Floyd, Director	Phone:	(907)269-7644
Division:	Environmental Health	Date:	04/03/2015 10:00 AM
Approved By:	Alice Edwards, Deputy Commissioner	Date:	04/03/15
Agency:	Department of Environmental Conservation		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

Analysis/Assumptions:

HB 179 allows for the donation of fish and game to food service programs and limits the liability of food donors to these programs. This proposed bill does not change how the Department of Environmental Conservation, Division of Environmental Health currently addresses donated traditional food sources in public food programs because existing regulations allow for donated food to be served at food service programs. There will be no fiscal impact to the Department as a result of this bill.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSHB 179(FSH)
Fiscal Note Number:	2
(H) Publish Date:	4/8/2015

Identifier: HB179-DFG-CO-04-02-15
 Title: FOOD PROGRAM DONATIONS; FISH AND GAME
 Sponsor: KREISS-TOMKINS
 Requester: House Special Committee on Fisheries

Department: Department of Fish and Game
 Appropriation: Administration and Support
 Allocation: Commissioner's Office
 OMB Component Number: 2175

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Ben Mulligan, Legislative Liaison	Phone:	(907)465-6137
Division:	Commissioner's Office	Date:	04/03/2015 12:40 PM
Approved By:	Sunny Haight, Administrative Services Director	Date:	04/03/15
Agency:	Department of Fish & Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

Analysis

House Bill 179 would allow people to donate legally harvested fish, game, marine or aquatic plants, or any part of fish, game, or aquatic plants, or a nest or egg of fish or game for subsistence, sport, or personal use to a food service program as defined in the bill.

Allowing for the donation of these types of harvested fish and game resources would not have a fiscal impact upon any of the department's programs and/or operations.

Dear Resources Committee Members:

My name is Doug Rhodes and I live in Craig on Prince of Wales Island. I am a commercial salmon and halibut fisherman, an avid sport fisherman and a subsistence fisherman as well. I also own a small DEC certified fish processing facility in Coffman Cove and provide fish to the schools on POW Island through the Fish to Schools program. I am also an avid hunter and have hunted in the area for 40 years or so.

I am opposed to CSHB 179 for several reasons. On first glance it would seem that this is a bill that is reasonable, however upon study it is a bill that is full of potential problems.

I just attended a conference in Juneau where fishermen and processors were working together with the school districts to offer fish to local schools. Fishermen and processors have been donating or offering reduced fee fish to schools for the past few years, and are quite proud of our accomplishments.

The prime sponsor of the bill has pointed out the merits of the Sitka fish to school program, and that is a program that is done with donated fish from commercial fishermen or processors exclusively. It is a great program, and all of the fish is processed in licensed DEC facilities ensuring quality food for our children. In addition, each fish that is caught is entered on an Alaska Department of Fish and Game fish ticket and is accounted for.

Allowing sport caught fish to be used for schools or any of the other facilities listed in HB 179 is fish that is not accounted for as no fish ticket is required. In addition, the commercial fishermen and the processing facilities have quality assurances that help maintain better quality for the fish.

Allowing subsistence fish to be used for schools or other facilities listed in HB 179 may not be accounted for as well. Halibut, for an example, can be harvested by long line and up to 20 per day could be caught and used for food in these institutions. The halibut quota, established by federal regulations is already quite regulated and contentious between user groups, and this could become a larger allocation issue down the road. Instead, I would favor the current use of allowing halibut bycatch from trawlers to be processed in a licensed facility and distributed to these institutions, or by simply buying product from processors.

As far as game goes, I also could see allocation issues arising as well as other unintended problems. An example would be black bear in Southeast Alaska, where a hunter must salvage the meat along with the hide. Under this bill, I could see many hunters from down south simply dropping garbage bags of meat off at schools and hospitals saying they had complied with the law. I don't think schools and hospitals are going to want mounds of black bear meat in their kitchen every spring.

So although I see the intent is good, and it would seem on paper to make more sense for our kids to eat caribou chops over corn dogs, there needs to be a better vehicle for that than this bill. I urge you to vote against HB 179, or at the very least modify it to remove commercially caught fish from the current bill.

Sincerely,

Doug Rhodes
Box 268
Craig, Alaska 99921

nakwasina@gmail.com

From: Mary Wood [<mailto:mlwood10@gmail.com>]

Sent: Friday, April 10, 2015 11:46 AM

Subject: Got Fish?

Dear members of the House Resources Committee,

I live in Sitka and have been very active in the Fish to Schools Program. I believe in the future of our community and think that Fish to Schools is a way to ensure community resiliency. Giving kids an option to eat local fish and teaching them about local food helps young people to understand the importance of supporting their local economy and advocating for the health of our ecosystems. I've seen firsthand how the program has inspired Alaskan youth to eat locally and connect with local fishermen. I've watched the program expand to all the schools in our small coastal community and believe it is possible for all communities across Alaska to do the same.

With massive budget cuts, we need to think outside the box to continue to feed our students healthy, local food. We have been lucky in Sitka, since the beginning of the program four years ago, to have many commercial fishermen eager and able to donate fish to our students. Not all communities have the ability to have commercial fishermen donating directly to their school lunch program but community members are interested in supporting the health and lives of young people. **I highly encourage you to support House Bill 179.** It will give all communities a chance to feed their people healthy, local food; supporting the lives and economy of our communities.

Thank you,
Mary Wood

SECTIONS

Health

Looking for new ways to promote old foods may improve Alaskans' health

Yereth Rosen | Alaska Dispatch News | September 27, 2014

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Isty Hlasny, Sunny Alexie, Isabelle Hlasny, Paul Hlasny and Ida Alexie strip leaves from wild rhubarb at their fish camp on the Kuskokwim River near Bethel, AK this summer.

Bob Hallinen / ADN

Dangling on branches and scenting the woods in the middle of Alaska's biggest city are some deep-red nutritional superstars. The tangy, strong-scented [high-bush cranberries](#) that grow wild on the Alaska Pacific University campus and across much of the Alaska landscape hold antioxidant loads that are more than seven times those found in commercially cultivated blueberries.

Those berries aren't the only health-food superstars to be found in Alaska. Some may seem a bit unlikely, like tart, tender, light-green spruce branch tips, which are packed with vitamin C. Or [dandelions](#), that lowly weed furiously yanked out and discarded by gardeners, which is edible from its yellow flower all the way down to its roots. They're known to hold high nutritional value and [compounds that relieve muscle fatigue, as well as other benefits](#) -- but many aren't aware of their nutritional benefit, much less that they're edible at all.

"People say, 'You can eat dandelions?'" said Peggy Hunt, an Alaska state agronomist who likes to put the bright flowers on muffins and who led a plant tour during an [Alaskan Plants as Food and Medicine](#) conference held in August at APU.

Other wild plants sprouting along the APU ski trails and elsewhere in Anchorage are also packed with nutritional and cell-protecting antioxidant qualities. Among the other edible and medicinal flora pointed out during the conference are the [Cow parsnip](#), otherwise known as wild celery, a naturally low-calorie vegetable, and pineapple weed, also known as Alaska chamomile, "a chill-out plant," in the words of wild-foods expert Gary Ferguson, a naturopathic doctor who helped lead the tour.

The nutritional benefits of wild and local foods traditionally used by indigenous peoples have been touted for decades. Medical providers have made such claims since at least the 1930s, when dentist Weston Price traveled the world to examine the dietary habits and health of indigenous and isolated populations. Though he made generalizations about "primitive" cultures that are cringe-worthy now, he was seen in his time as an advocate for Native people.

In northern Alaska, Price found "strong, rugged babies" and "magnificent health of the child life," according to his 1939 book, ["Nutrition and Physical Degeneration."](#)

The story was similar in northern Canada, Price wrote. "The physiques of the Indians of the far north who are still living in their isolated locations and in accordance with their accumulated wisdom were superb," he wrote.

But once Native people started eating "store grub," tooth decay and other health problems followed, Price said. Take arthritis: "We neither saw nor heard of a case in the isolated groups. However, at the point of contact with the foods of modern civilization many cases were found, including 10 bed-ridden cripples in a series of about 20 Indian homes," he wrote.

There is a growing body of hard science to back up that conventional wisdom about the superiority of traditional wild foods.

Alaska seaweeds and sea plants, part of some traditional Native diets, have extremely [high antioxidant](#) and [anti-inflammatory](#) potency while showing promise as obesity-prevention agents, too, according to research by [North Carolina State University's Plants for Human Health Institute](#).

Seaweeds gathered from Sitka, with the high levels of phytochemicals built up in tough natural conditions, appear to hold qualities that prevent the conversion of complex carbohydrates and dietary fat into high blood sugar and body fat, said [Josh Kellogg](#), a North Carolina State doctoral candidate who's examining Alaska plant compounds and [their ability to prevent what doctors call "metabolic syndrome,"](#) the web of interrelated ills from obesity and sugar overloads. The seaweeds, especially brown varieties like the puffy species bladderwrack, achieve these results by blocking digestive enzymes, similar to the mechanisms of the anti-obesity and anti-diabetes drugs [Acarbose](#) and [Orlistat](#), Kellogg said.

"If they block your digestion of fats, they block your digestion of starches. You won't even take them into your bloodstream," he told attendees at the plants conference.

Boon of seaweed and berries

Early research also suggests the seaweeds have compounds that shrink the size of lipids in fat cells, Kellogg said. Large lipid droplets tend to adhere to cell surfaces and lead to metabolism problems, insulin resistance and, ultimately, Type 2 diabetes, Kellogg said. But small droplets could result in better metabolism of fat -- more burning for energy and less storage -- meaning smaller fat cells and reduced risks for obesity and diabetes, he said.

"Seaweed from Alaska has a great potential to offset complications of obesity and diabetes," he said.

While some Alaska commercial fishermen already do a brisk seasonal business harvesting [herring-egg-covered kelp](#) for customers in Japan, where roe-on-kelp is considered a delicacy, few Alaska seaweeds and sea vegetables wind up in commercial food markets.

Many wild Alaska berries pack more antioxidant punch than their commercially cultivated counterparts, according to several studies. A [study](#) by North Carolina State's Plants for Human Health Institute, published in 2013, found that while cultivated cranberries and blueberries are good sources of antioxidant and anti-inflammatory compounds, the wild Alaska versions are superior.

Even berries stored for a year or more retain nutritional power. Wild berries from interior Alaska, particularly lingonberries, scored high in antioxidants, even after being frozen 20 months, according to a [University of Alaska Fairbanks study](#) published in 2006. A [Finnish study](#), presented in 2013, said cloudbberries appeared to fight tumors in laboratory mice.

Protein-rich wild salmon, a key to traditional diets in Alaska, are well known for high levels of healthy [omega-3 fatty acids](#), which help regulate cholesterol, among other benefits. One [study published last year in the Annals of Internal Medicine](#) said omega-3 fatty acids aid longevity. That study, based on long-term research of 2,700 Americans who had reached their 70s, found that those with the highest omega-3 levels lived 2.2 years longer while cutting their risk of cardiovascular disease by about a third.

Wild salmon generally provides much more nutritional benefit -- and less contaminant risk -- than farmed salmon, according to several studies, including [one published in 2005](#) in the Journal of Nutrition.

Wild Alaska fish can also be a valuable source of Vitamin D for northerners who, because of sparse winter sunlight, are vulnerable to deficiencies. According to a recent [UAF-led study](#) of western Alaska Yupik residents, fish supplied more than 90 percent of dietary vitamin D -- enough to provide sufficient year-round levels -- even though traditional wild foods accounted for only 22 percent of residents' caloric intake.

Seal oil, a staple of some indigenous diets in the circumpolar north, appears to stave off cardiovascular disease, too. A [2011 study](#) led by researchers at Norway's University of Tromso found that mice fed a combination of seal and olive oil were less likely to develop atherosclerotic lesions, spots of damaged tissue that harden arteries and lead to heart disease. That adds to a body of work that goes back to a landmark [1994 study](#) of Athabascan and Yupik residents 40 and older that found those who ate seal oil or salmon daily had lower diabetes risks.

New ways to promote old foods

For Ferguson, an Aleut who grew up in Sand Point and heads the [wellness and prevention program](#) at the [Alaska Native Tribal Health Consortium](#), spreading the message of wild foods' benefits has been a passion.

He helps organize culture camps that teach village kids about their regional traditions, including wild-food diets. He serves on the boards of the [Aleut Corp.](#) and its nonprofit arm, the [Aleut Foundation](#), where he strives to bring health considerations to corporate business decisions. And he helps run an educational project at ANTHC called [Store Outside Your Door](#), which enlists Alaska leaders, elders and assorted local-food enthusiasts as cooking and nutritional instructors. Several webcasts produced by Store Outside Your Door feature celebrity Alaska chef [Rob Kinneen](#), showing viewers how to make such dishes as wild duck risotto, Alaska fresh rolls, tossed salads made from beach greens and other traditional foods "with a contemporary twist," as its website puts it.

The projects, said Ferguson, are "teasing out bits of wisdom from the past ... as protective today as it was thousands of years ago." In practical terms, he said, he and his colleagues want to make wild foods desirable to avoid shaming or "guilting" people and to coax incremental steps toward healthier lifestyles, like encouraging people to mix wild berries in recipes or try to include wild or local food in at least one meal a day. "It's a combination of small changes over time," he said.

Contact Yereth Rosen at yereth@alaskadispatch.com.

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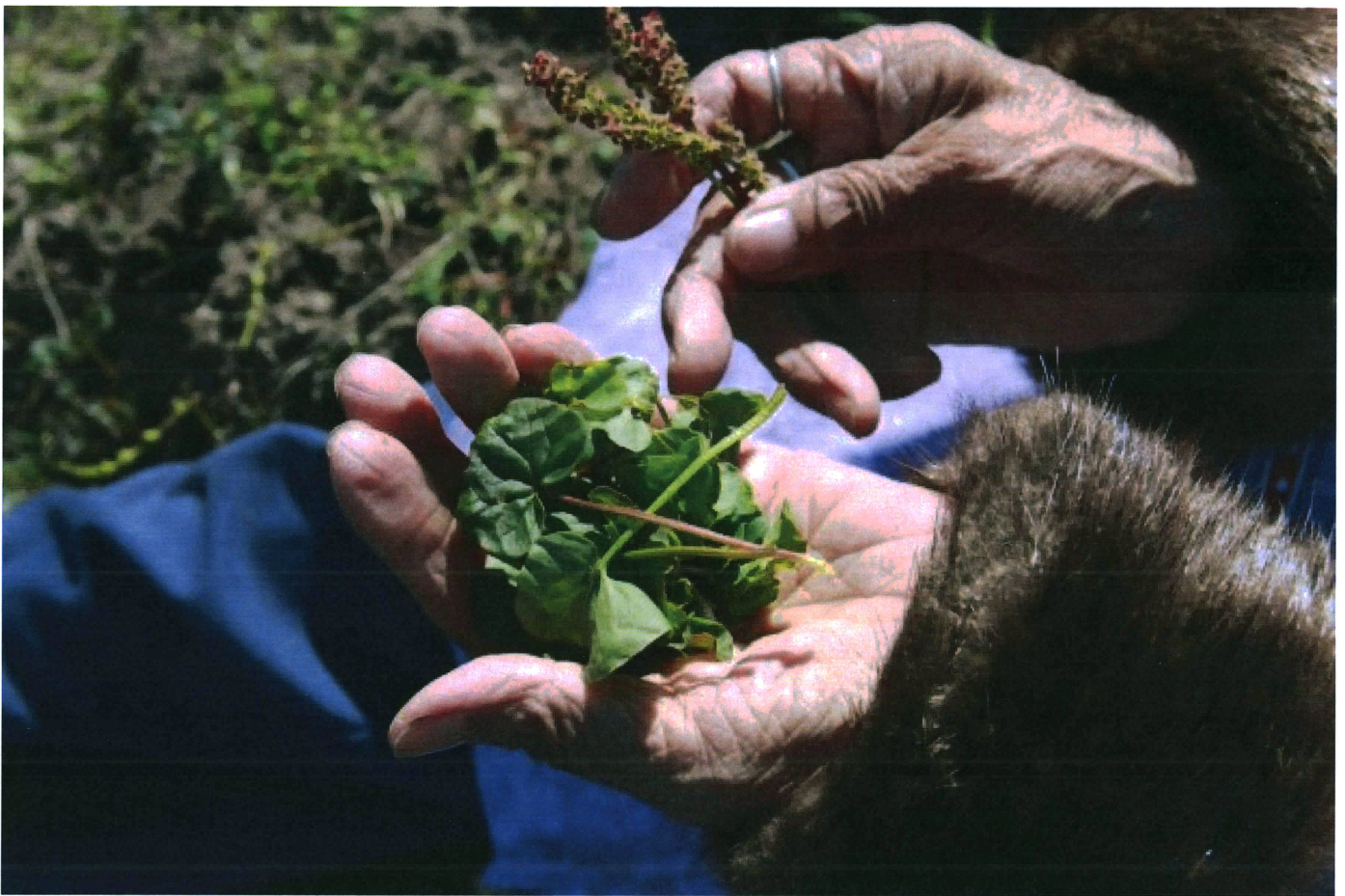


Photo courtesy ANTHC

Dr. Gary Ferguson is on a lifelong journey to learn how to use plants as food and medicine.

Ferguson, who is Aleut, is a naturopathic doctor and the director of wellness and prevention programs for the Alaska Native Tribal Health Consortium. He is one of the leaders of the ANTHC initiative called "The Store Outside Your Door," an effort to educate people about the nutritional benefit of Alaska's traditional foods, and compel people to bring them back into their homes and kitchens.

Following the motto of "Hunt, Fish, Gather, Grow," the program encourages people to forage, farm, hunt, fish and preserve the food resources where they live.

There are now almost 40 **"The Store Outside Your Door" episodes on YouTube**. Around three minutes long, each video features people from different Alaska communities talking about their traditions. They often share a tasty recipe too -- from abalone and sea cucumber fried rice in Hydaburg to bearded seal oil (misigaq) in Barrow.

The "Gather, Grow" part of the tagline is what the team has been focusing on for the last year.

"We are working on growing that effort because elders have been telling us as we travel that they'd like to know more about their plants," Ferguson said.

Traditionally, Alaska Native people lived off of the land and the bounty surrounding them: berries, plants, caribou, deer, moose, seal and whale. The team has found that many Alaska elders remember harvesting and using certain plants growing up, but fewer and fewer people know how to use them today. Over the past 200 years, much of that knowledge has been lost in the transition to a cash-based economy. Alaska imports over 90 percent of its food, and processed foods have disproportionately affected the health of Alaska Natives. Today, the top food and beverage items consumed in rural Alaska include soda, Hi-C, fruit juice, canned soup and milk. Heart disease, cancer, and diabetes are among the leading causes of death among Alaska Natives.

Ferguson and ANTHC are trying to capture traditional knowledge of local foods before it slips away. "The knowledge is still alive, it just needs to be rediscovered," Ferguson said.

Elders are viewed as the local experts in the community and a key part of any community's success. "A culture disconnected from their elders is going to be sick. This is a fundamental quality of wellness," Ferguson said.

Ferguson sees the power of "The Store Outside Your Door" program as its way of getting away from the "trauma-drama" of bad things happening and focusing on the good instead. "When you talk about food you can't help but celebrate," he said. "We aren't being preachy, but modeling healthy behaviors."

"The Store Outside Your Door" team is currently visiting the North Slope and Northwest Arctic to highlight the plants traditionally used by the Inupiaq. Ferguson will return to Barrow in April to present at the North Slope Borough's Health Summit.

Ferguson started making the connection between food and health when he was a child growing up in Sand Point, harvesting beach greens and eating seal oil. As an EMT in Cold Bay, he was surprised with a swell of losses that he felt were preventable. "So many emergencies aren't emergencies at all, they are lifestyle choices that can actually be kept in check."

His work with traditional plants as food and medicine is connected to his own roots and self-discovery. "It is my own journey of 'Store Outside my Door,'" he says.

Sand Point elder Nora Newman puts it best in the "Pidarki (Chiton) Salad with Ribbon Kelp" episode.

"When the tide is low, the table is set."

Shannon Kuhn lives in Anchorage, where she writes about food and culture.

To: Mills, Cori M (LAW)
Cc: Peterson, Darwin R (GOV)
Subject: RE: Subsistence Foods in Schools

From: Mills, Cori M (LAW) [<mailto:cori.mills@alaska.gov>]
Sent: Thursday, March 26, 2015 8:01 AM
To: Reid Magdanz
Cc: Peterson, Darwin R (GOV)
Subject: RE: Subsistence Foods in Schools

Reid,

You asked whether state law allows a school, hospital, long-term care facility, residential child care facility, or senior meal program to accept donations of non-commercially caught fish and game for use in a food service program. You asked us to address at a minimum:

- A case in which the entity in question charges the students, patients, children, or seniors for the meals provided (e.g., a school lunch program that charges students, as well as accepts federal school nutrition money), and
- A case where the meals are free to the recipient but paid for by a third party (e.g., where a regional corporation pays for preparation and delivery of meals to seniors in a village).

Our response follows.

The sale of non-commercially caught fish and game (i.e., fish and game harvested under subsistence, sport, or personal use regulations) is generally prohibited under current state law. See AS 16.05.920(a) (“Unless permitted by AS 16.05 — AS 16.40 or by regulation adopted under AS 16.05 — AS 16.40, a person may not ... sell, offer to sell, purchase, or offer to purchase fish, game, ... or any part of fish, game”); 5 AAC 01.010(d) (“Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish”); AS 16.05.940(29) (defining “sport fishing” as taking “for personal use, and not for sale or barter”); AS 16.05.940(26) (defining “personal use fishing” as “taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter”); 5 AAC 75.015 (“No person may buy, sell, or barter sport-caught fish or their parts”); 5 AAC 77.001 (stating that for personal use fisheries, “since the sale of fish is not appropriate or permissible, this fishery cannot be classified as commercial”); AS 16.05.940(29) (defining “subsistence uses” as “noncommercial, customary and traditional uses ... [including] for the customary trade, barter or sharing for personal or family consumption”; state regulations allow customary trade of fish in only two areas of the state: salmon in Norton Sound and herring roe on kelp in southeast Alaska); 5 AAC 92.200(b)(8) (prohibiting the sale of most game meat).

These statutes and regulations prohibit sales of non-commercially caught fish and game by the original taker of the resource as well as later transactions between persons or entities where the non-commercially caught fish and game is exchanged for payment. In your examples, where a school received payment from students or a third party for meals that included non-commercially harvested fish or game, or a meal provider received payment from anyone for meal delivery, those exchanges likely would be considered a prohibited sale or purchase of the fish or game.

In contrast to fish or game taken under sport or personal use regulations, which generally are for the personal use of the harvester, subsistence caught fish and game may be donated if the donation or sharing is a customary

and traditional use of the fish and game. However, as explained above, state law does not allow the recipient to exchange the subsistence caught fish or game for payment.

We hope this email answers your questions. Please do not hesitate to contact us with additional questions or concerns.

Thank you.

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