

SENATE BILL NO. 210

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/18/19

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the misrepresentation of seafood and seafood ingredients by retail**
2 **food establishments."**

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

4 *** Section 1.** AS 17.20 is amended by adding a new section to read:

5 **Sec. 17.20.042. Misrepresentation of seafood on menu.** (a) A retail food
6 establishment may not misrepresent on a menu the identity or origin of a seafood or
7 seafood ingredient in a prepared food product.

8 (b) An employee of a retail food establishment may report a violation of (a) of
9 this section to the department anonymously.

10 (c) A retail food establishment may not directly or indirectly dismiss, demote,
11 suspend, lay off, refuse to promote, or otherwise retaliate against an employee who
12 reports a violation of (a) of this section.

13 (d) A retail food establishment does not violate (a) of this section if the retail
14 food establishment

1 (1) verbally warns a customer before the customer places an order that
 2 the retail food establishment will substitute another seafood or seafood ingredient for
 3 the seafood or seafood ingredient identified on the menu; or

4 (2) offers, before the misrepresentation is reported to the department, a
 5 full refund of the price of the seafood or the prepared food product that contains
 6 seafood ingredients to the customer who paid for the seafood or prepared food
 7 product.

8 (e) Notwithstanding AS 17.20.305, a retail food establishment that violates (a)
 9 or (c) of this section is guilty of a violation and is punishable as provided in AS 12.55
 10 by a fine of \$500 for each violation, but not to exceed a total of \$50,000 for all
 11 violations.

12 (f) In this section,

13 (1) "menu" includes a list of food that is given to customers or posted
 14 in the retail food establishment;

15 (2) "seafood" means salmon, halibut, herring, flounder, crab, clam,
 16 cod, shrimp, pollock, other finfish and shellfish, and byproducts of salmon, halibut,
 17 herring, flounder, crab, clam, cod, shrimp, pollock, and other finfish and shellfish.

18 * **Sec. 2.** AS 17.20.075 is amended by adding new paragraphs to read:

19 (3) "prepared food product" means a food product that has been
 20 prepared by the retail food establishment selling the food product or by another person
 21 at the direction of the retail food establishment;

22 (4) "retail food establishment" means a business that sells prepared
 23 food products to the general public for consumption on or off the premises, and
 24 includes a business that is, or contains on its premises, a restaurant, delicatessen, salad
 25 bar, or bakery; "retail food establishment" does not include an establishment that is
 26 provided by

27 (A) an employer primarily for the employees of the employer;

28 (B) a school primarily for the students and employees of the
 29 school; or

30 (C) a correctional facility primarily for persons held under
 31 official detention.

1 * **Sec. 3.** AS 17.20.049(b)(3) and AS 17.20.049(b)(4) are repealed.