

## Alaska State Laws Affected by H.R. 4879

Source: Harvard Law School Animal Law & Policy Program, Analysis of the “Protect Interstate Commerce Act of 2018” H.R. 4879. 2018. Available at [animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/](http://animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/)

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. Alaska Admin. Code tit. 18, § 31.200
  - b. Eggs
    - i. Date Labels
      - 1. These laws require egg containers to be marked with a "sell-by" label to indicate the date by which the product should be sold to consumers
      - 2. Alaska Admin. Code tit. 18, § 31.200
  - c. Fish
    - i. Labeling
      - 1. These laws impose labeling requirements on fish products offered for sale within the state, including some related to the sale of genetically modified fish products.
      - 2. AS § 17.20.048
      - 3. AS § 17.20.040
    - ii. Sourcing and Trafficking
      - 1. These laws relate to the sourcing of fish offered for sale within the state.
      - 2. AS § 16.10.760
      - 3. AS § 16.05.680
    - iii. Hatchery Sourcing
      - 1. These laws relate to the sourcing of fish eggs by fish hatcheries within the state
      - 2. AS § 16.10.420
  - d. Shellfish
    - i. Date Labels
      - 1. These laws require shellfish containers be marked with a “sell-by,” “best if used by,” or “date shucked” label to indicate to consumers when the product was packaged or the date by which it should be consumed.
      - 2. Alaska Admin. Code tit. 18, § 31.200
- II. Alcohol
  - a. None
- III. Drugs
  - a. Tobacco
    - i. Minimum Age Requirements

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1. These laws restrict the sale of tobacco products to buyers under a certain age. Federally, tobacco cannot be sold to anyone under 18 years of age. However, some states impose further limitations and require buyers be either 19 or 21 years of age.
  2. AK ST § 11.76.100
  - ii. Fire Safety Standards
    1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
    2. Alaska Stat. Ann. § 18.74
- IV. Fishing
- a. Ocean Fishing: Commercial and Sport
    - i. Beyond State Waters
      1. These laws not only regulate fishing activities within a state's territorial waters (which generally extend three nautical miles from shore), but also fishing that takes place in certain areas of the ocean beyond that zone. These statutes impose licensing or other regulatory requirements on individuals fishing beyond the state waters.
      2. Alaska Stat. § 16.10.760
      3. Alaska Stat. § 16.05.735
      4. Alaska Admin. Code tit. 5, § 35.010
      5. Alaska Admin. Code tit. 5, § 34.010
      6. Alaska Admin. Code tit. 5, § 31.010
      7. Alaska Admin. Code tit. 5, § 32.010
      8. Alaska Admin. Code tit. 5, § 27.010
      9. Alaska Admin. Code tit. 5, § 38.010
      10. Alaska Admin. Code tit. 5 § 28.010
      11. Alaska Admin. Code tit. 5 § 29.001
      12. Alaska Admin. Code tit. 5 § 64.095
      13. Alaska Admin. Code tit. 5 § 58.095
      14. Alaska Admin. Code tit. 5 § 67.095
      15. Alaska Admin. Code tit. 5 § 55.095
      16. Alaska Admin. Code tit. 5 § 47.095
      17. Alaska Admin. Code tit. 5 § 65.095
      18. Alaska Admin. Code tit. 5 § 75.001
    - ii. License or Permit Requirements
      1. These laws require anyone who lands commercial fish within the state to be licensed, obtain a landing permit, or in some other way be regulated. These regulations require permits or impose other regulations on non-resident, commercial fishing operations that first bring fish to shore in the state.

2. Alaska Stat. § 16.43.140
  3. Alaska Stat. § 16.05.675
  4. Alaska Admin. Code tit. 5, 39.780
  5. Alaska Admin. Code tit. 5, § 38.020
  6. Alaska Admin. Code tit. 5, § 29.115
  7. Alaska Admin. Code tit. 5, § 29.125
  8. Alaska Admin. Code tit. 5, § 31.055.
  9. Alaska Admin. Code tit. 5, § 35.055
  10. Alaska Admin. Code tit. 5, § 38.062
  11. Alaska Admin. Code tit. 5, § 29.145
  12. Alaska Admin. Code tit. 5, § 35.057
- iii. Equipment Requirements, Harvest Techniques, and Prohibitions
1. These laws impose equipment requirements or prescribe special harvesting techniques for out-of-state fishing operations that bring their catch to shore in the state. They are intended to prohibit the use of unsporting or environmentally damaging fishing practices and ensure a safe and sustainable harvest.
  2. Alaska Admin. Code tit. 5, § 38.020
  3. Alaska Admin. Code tit. 5, § 31.051
  4. Alaska Admin. Code tit. 5, § 35.053
  5. Alaska Admin. Code tit. 5, § 38.050 s
  6. Alaska Admin. Code tit. 5, § 38.051
  7. Alaska Admin. Code tit. 5, § 38.052
  8. Alaska Admin. Code tit. 5, § 38.054
  9. Alaska Admin. Code tit. 5, § 38.060
  10. Alaska Admin. Code tit. 5, § 31.050
  11. Alaska Admin. Code tit. 5, § 31.052
  12. Alaska Admin. Code tit. 5, § 31.053
  13. Alaska Admin. Code tit. 5, § 29.120
  14. Alaska Admin. Code tit. 5, § 35.050
  15. Alaska Admin. Code tit. 5, § 35.051
  16. Alaska Admin. Code tit. 5, § 35.052
- iv. Harvest and Size Limits
1. These laws impose harvest or size limits on fishing catches first landed in the state. Typically these regulations limit the amount or type of fish that can be harvested and may set minimum or maximum size limitations for certain species. They are intended to support sustainable catch limits and protect local populations from overfishing.
  2. Alaska Admin. Code tit. 5, § 29.140
  3. Alaska Admin. Code tit. 5, § 38.075
  4. Alaska Admin. Code tit. 5, § 38.090
  5. Alaska Admin. Code tit. 5, § 29.070
  6. Alaska Admin. Code tit. 5, § 35.060

7. Alaska Admin. Code tit. 5, § 35.065
- V. Wood and Lumber
  - a. None
- VI. Home Goods and Products
  - a. None
- VII. Live Animal Imports
  - a. Birds
    - i. Avian Influenza and Newcastle Disease
      1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
      2. Alaska Admin. Code tit. 18, § 36.215
    - b. Cattle and Bison
      - i. Anthrax
        1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
        2. 18 AAC 36.215
        3. 18 AAC 36.015
      - ii. Brucellosis
        1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
        2. 18 AAC 36.275
      - iii. Rabies
        1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease.

Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. 18 AAC 36.215
3. 18 AAC 36.015

c. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
2. 18 AAC 36.175 et seq

d. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
2. Alaska Admin. tit. 11, § 35.020;

e. Horses

i. Equine Infectious Anemia

1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
2. 18 AAC 36.225
3. 18 AAC 36.920

f. Sheep and Goats

i. Scrapie

1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program

to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. 18 AAC 36.135

g. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. 18 AAC 36.145

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. 18 AAC 36.215

3. 18 AAC 36.015

h. Exotic Meats

i. Bison

1. These regulations require that bison imported into the state be accompanied by a permit or veterinarian certification. They are intended to prevent the spread of zoonotic and infectious diseases, some of which may be transmissible to other species.

2. 18 AAC 36.015

3. 18 AAC 36.115

ii. Camelids: Camel, Alpaca, and Llama

1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.

2. 18 AAC 36.015

3. 18 AAC 36.185

VIII. Companion Animals

a. Dogs and Cats

i. Lemon Laws

1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing

- sick animals and to improve transparency as to their history and origin.
      - 2. A.C.A. § 4-97-105
    - ii. Veterinary Inspection Requirements
      - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
      - 2. 18 AAC 36.015
      - 3. 18 AAC 36.010
- IX. Products for Animals
  - a. Prohibited Foods
    - i. Feed Garbage to Swine
      - 1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
      - 2. 18 AAC 36.145
- X. Dead Animals and Animal Parts
  - a. None
- XI. Invasive Pests, Plants, and Disease
  - a. None
- XII. Procurement
  - a. Agricultural Goods
    - 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
    - 2. AS § 36.30.321
    - 3. AS § 36.30.332
    - 4. AS § 36.30.322
    - 5. AS § 36.15.050
    - 6. AS § 36.15.010
- XIII. General Prohibitions
  - a. None
- XIV. Miscellaneous
  - a. None