

Submitted by the Alaska Department of Fish and Game at the request of Chairman Johnstone
January 17, 2013

18 AAC 34.005. Purpose and applicability. (a) The purpose of this chapter is to provide for consumer protection and to protect public health by ensuring the processing, sale, and distribution of safe, wholesome, and properly labeled seafood products.

(b) The requirements of this chapter apply to

(1) persons who process seafood products to be sold as part of commerce and intended for human consumption;

(2) persons who store, clean, package, and distribute whole seafood products to be sold as part of commerce and intended for human consumption;

(3) persons who harvest, handle, prepare, shuck, pack, repack, or transport fresh or frozen shellfish for sale as part of commerce and intended for human consumption;

(4) custom processors who smoke or thermally process seafood intended for human consumption;

(5) persons who donate thermally-processed or smoked seafood products to an institution or nonprofit program; and

(6) persons who manufacture ice primarily for use with seafood products.

(c) A person is not subject to this chapter, but must comply with 18 AAC 31 if that person processes seafood

(1) for donation to a food service at an institution or nonprofit program under 18 AAC 31.205; or

(2) to be used only in a food service or market that is permitted by the department under 18 AAC 31, the food service or market has a written exemption under 18 AAC 31.200(b)(3), the amount of seafood product does not exceed 500 pounds per week, and the processing of the seafood by the person is limited to butchering, freezing, or cooking only.

(d) A person who is developing a seafood product is not subject to this chapter if that product is not donated or sold.

(e) A fishing derby association described in 18 AAC 34.015 that limits its activities to heading and gutting the derby fish is subject only to the requirements of 18 AAC 34.015, but is exempt from the other requirements of this chapter.

(f) A person who harvests shellfish for bait to be sold as part of commerce is subject to the requirements of 18 AAC 34.215, but is exempt from the other requirements of this chapter.

(g) The activity described in this subsection involving a seafood product does not constitute processing of, and the provisions of this chapter relating to processing do not apply to, seafood product harvested by a fishing vessel if

(1) the seafood product will be processed in a facility with a permit issued under this chapter;

(2) the seafood product is sold from the fishing vessel docked at a harbor;

(3) the activity

(A) is necessary to maintain product quality or to prevent product loss from decomposition; and

(B) occurs on board the fishing vessel while on the fishing grounds but no closer to shore than one-half mile; and

(4) the activity is one of the following:

(A) decapitating shrimp;

(B) gutting or gilling seafood products;

(C) heading or gutting groundfish.