



New Alaska Food Code
Summary of Changes Dealing with Exemptions
 Effective June 25, 2012

The following highlights some, but not all, of the changes that affect food operations regulated by the Department of Environmental Conservation’s Food Safety and Sanitation program. For the complete Alaska Food Code, visit <http://www.dec.alaska.gov/commish/regulations/pdfs/18%20AAC%2031.pdf>

If your establishment is located within the Municipality of Anchorage, it is regulated under municipal ordinance by the Municipality of Anchorage’s Food Safety and Sanitation program and you must contact that program for details on their regulatory requirements.

What are the main differences between the old and new code dealing with food processor exemptions?

Old	New
Homemade jelly, jam, syrup, herb vinegar, dried herbs, dried tea leaves were exempt if sold at farmers market, bed and breakfast, a roadside stand, or seasonal event, such as a fair or bazaar by the individual who prepared them.	We are now exempting individuals who wish to sell non-potentially hazardous foods directly to consumers if the sales are less than \$25,000, the products are sold directly to consumers, and the processor discloses through a label, card, placard, or sign that the products are not subject to state inspection.
Permitted food processing facilities (kitchens) were required to be separate from a family kitchen unless the processor was already exempt.	A person may prepare exempt items in a home kitchen. However, if the processor is using a permitted or approved kitchen, the processor is not required to label or set out a card, placard, or sign stating that the food product is not subject to state inspection.
Most food processors (except those who were already exempt) were required to pay a permit fee of \$200-\$300 per year.	No fee is required if the processor falls under exemption.

What is a considered a non-potentially hazardous food under this new exemption?

This exemption applies to foods that do not support the growth of dangerous bacteria because of their water activity values or pH values (or a combination of the two.) The pH and water activity values that define a non-potentially hazardous food are included in tables L & M of 18 AAC 31.985. Examples of non-potentially food include: pickles, bread, jam, kettle popcorn, confections, trail mix, granola, tortillas, fry bread, fermented fruit and vegetable products, pastries, and waffle cones. Because of the risk to public health is too great, the department will not allow the sale of home-canned, low-acid vegetables or meats under this exemption.

Why are meat, poultry, and seafood products not included under this exemption?

Because of the increased hazards associated with the drying, curing, or smoking of meat, poultry or seafood products, they were not included in this exemption. These hazards include *Clostridium botulinum*, Listeria, Salmonella, and E. Coli.

What does a food processor need to do to fall under this exemption?

- Have and provide detailed knowledge about the ingredients of the food product and how it was processed, prepared and packaged.
- Have the food product recipe or formulation available in case there is ever a concern about the safety of the product. For a product that is pickled or dried, the producer would need to have information available about the pH or water activity. Producers may work with Alaska Cooperative Extension, or test their product to show that the product is safe.
- Process, prepare, package, and sell the product only in Alaska.
- Sell directly to the consumer by an individual who knows what ingredients were used to make the product and how the food was prepared and packaged. This individual must be able to answer consumers’ questions about the product, including whether allergens are present in the food product. In order to qualify for the exemption, the processor may not distribute the product to stores or restaurants or by mail order or on consignment.
- Keep total gross receipts of sales of the food items to show that the gross sales do not exceed \$25,000 within a calendar year.
- **If the food is not** prepared in a permitted, approved, or inspected kitchen, informs the consumer by a card, placard, sign, or label placed in a conspicuous area that “THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION”.
- Label packaged food with either
 - the Alaska business License number, **or**
 - the name, physical address, and telephone number of the individual who prepared the food to allow DEC to trace the product back to the processor if there is a problem or complaint.

What are the main changes between the old and new code dealing with temporary food service events?

Old	New
Organizers of all fundraisers that were advertised or open to the public (regardless of whether there was a charge for the food) were required to get a Temporary Food Service Permit.	Organizers of fundraising events that are advertised to general public if the primary purpose is to raise money in support of a political campaign or an individual’s medical or other personal needs if: <ul style="list-style-type: none"> • The food is cooked and immediately served; • The event does not exceed one day in length; and • The number of events does not exceed three in a 90-day period.
Food preparation was required to be conducted in an approved kitchen or approved temporary kitchen that was separate from a family kitchen.	A person may prepare food items for the event in a home kitchen; however, food must be cooked and then immediately served (cooling and reheating is not allowed.)
Operator was required to pay a permit fee of \$35-\$65 per event (if the operation was not tax-exempt.)	No fee.

For more detailed information on provisions, see our website: <http://dec.alaska.gov/eh/fss/index.htm> or call 907-269-7501 or 1-877-233-3663.