By: Representatives Anderson (122nd), Hale To: Marine Resources

HOUSE BILL NO. 1466
(As Sent to Governor)

AN ACT TO AMEND SECTION 69-1-55, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LABELING OF SEAFOOD AND CRAWFISH BY ITS COUNTRY OF ORIGIN IN LIEU OF THE DOMESTIC OR IMPORTED DESIGNATION; TO AUTHORIZE FOOD SERVICE ESTABLISHMENTS TO USE A CLEARLY VISIBLE LEGEND ON MENUS IN LIEU OF INDIVIDUALIZED ITEMIZATION; TO EXEMPT SEAFOOD AND CRAWFISH PRODUCTS IN COMPLIANCE WITH THE FEDERAL COUNTY OF ORIGIN LABELING (COOL) REQUIREMENTS FROM THE STATE SEAFOOD-SPECIFIC LABELING REQUIREMENTS; TO REQUIRE GROCERY STORES, SEAFOOD MARKETS AND OTHER RETAIL FOOD ESTABLISHMENTS SELLING FRESH OR UNFROZEN PRODUCTS DIRECTLY TO CONSUMERS TO COMPLY WITH STATE LABELING REQUIREMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-1-55, Mississippi Code of 1972, is amended as follows:

69-1-55. (1) It shall be unlawful for any person, firm or corporation, within this state who is a wholesaler, processor, retailer, or food service establishment that sells imported crawfish or seafood to misrepresent to the public, either verbally, on a menu, or on a sign displayed on the premises, that the imported crawfish or seafood is domestic.

(2) For purposes of this section, the following words and phrases shall have the meanings as defined * * * in this subsection unless the context clearly indicates otherwise:

(a) "Collective agencies" means the Mississippi Department of Agriculture and Commerce and the Mississippi Department of Marine Resources.

(b) "Country of origin" means the country where a seafood or crawfish is derived, hatched, born, raised, harvested and processed. If the seafood or crawfish is derived, hatched, born, raised, harvested or processed in different countries, the term includes each country.

(c) "Food service establishment" means any place, vehicle or vessel where food is prepared, stored, held, transported, served or dispensed to consumers and which is regulated by the collective agencies. The term includes any such place regardless of whether the food sold is intended for on-premises or off-premises consumption.

(d) "Label" means a display of written, printed or graphic matter upon or affixed to the container in which a seafood or crawfish product is offered for direct retail sale.

(e) "Menu" means any listing of food and/or beverage options for a diner or customer to select from regardless of its form.

(f) "Person" means any individual, partnership, corporation and association or other legal entity.

(g) "Processor" means any person or entity engaged in handling, storing, preparing, manufacturing, packing or holding seafood or crawfish products.

(h) "Retailer" means any person or entity offering for sale seafood or crawfish products to food service establishments and to individual consumers. Retailer includes food service establishments unless otherwise stated herein.

(i) "Seafood" means saltwater finfish, crustaceans, molluscan shellfish and other forms of saltwater aquatic animal life where such aquatic animal life is intended for human consumption. The term seafood shall not include catfish as defined in Section 69-7-605.

(j) "Wholesaler" means any person or entity offering for sale any seafood or crawfish product destined for direct retail sale.

(3) A wholesaler, processor, retailer or food service establishment shall designate a seafood or crawfish as having one (1) of the following designations:

(a) "Domestic" if the seafood or crawfish is harvested, hatched or raised in the waters of the United States, a state or a territory of the United States and processed in the United States, a state or a territory of the United States; or

(b) "Imported" if the seafood or crawfish is harvested in waters outside of the territorial waters of the United States, a state or a territory outside of the territorial waters of the

United States, or is hatched, raised, harvested and/or processed outside of the United States. If any imported seafood or crawfish product is added to or mixed with domestic product, the seafood or crawfish must then be classified as "imported" product * * *; or

(c) As an alternative to "domestic" or "imported," the country of origin of the seafood or crawfish.

(4) (a) If the seafood or crawfish originated in a foreign country outside of the territorial waters of the United States, the wholesaler, processor, retailer or food service establishment shall identify the product as "imported" or by its country of origin, as authorized under paragraphs (b) and (c) of subsection (3), on the label, menu, sales display, buffet or any other form of advertisement, in a font that is at least the same size as the name of the seafood or crawfish being sold or promoted. The seafood or crawfish served or provided shall be what is advertised or sold.

(b) In lieu of individual itemization on a menu, a food service establishment may use a clearly visible legend. The legend must:

(i) Be affixed to or printed on either the cover of the menu or on the same page as the seafood or crawfish items being sold;

(ii) Be presented in plain language and in a font size and format that is the same size as the product being sold; and

(iii) Include any other menu considerations.

(5) Seafood or crawfish products subject to and in compliance with the federal Country of Origin Labeling (COOL) requirements are exempt from the seafood-specific labeling requirements of this section. Notwithstanding this exemption, grocery stores, seafood markets and other retail food establishments that sell fresh or unfrozen seafood products directly to consumers are required to comply with all applicable seafood labeling requirements established under this section.

(* * *6) If a wholesaler, processor, retailer or food service establishment offers for sale only domestic seafood, then the wholesaler, processor, retailer or food service establishment may disclose this in a prominent location on the premises. In the case of a food service establishment, this disclosure may be in lieu of disclosure on the menu.

(* * *7) Any individual or entity who supplies seafood or crawfish to a wholesaler, processor, retailer or food service establishment shall maintain a verifiable record-keeping audit trail that permits the collective agencies to verify compliance with this law and any regulations promulgated hereunder. The supplier shall provide documentation to the wholesaler, processor, retailer or food service establishment indicating the country of origin of the seafood or crawfish.

(* * *8) (a) The collective agencies shall regulate wholesalers, processors, retailers and food service establishments under this section.

(b) The collective agencies shall adopt rules and regulations in accordance with the Administrative Procedures Act as are necessary to enforce the provisions of this section.

(c) The collective agencies shall have authority to enter the premises of any wholesaler, processor, retailer or food service establishment to collect samples of seafood or crawfish for laboratory testing to test for species identification and/or any other testing as may be necessary to determine compliance with this section.

(* * *9) (a) Any wholesaler, processor, retailer or food service establishment, who violates or fails or refuses to comply with any provision of this chapter or regulation adopted pursuant to this chapter in relation to seafood or crawfish, may be subject to civil penalties to be assessed and levied by the collective agencies after a finding by the collective agencies that a violation has occurred. Violations pertaining to different types of seafood or crawfish may be charged as separate violations. Any subsequent violations charged after a three (3) day written notice has been provided may be processed as a new violation and a new three (3) day notice period shall not be required. In addition to assessing civil penalties, the collective agencies may suspend or revoke licenses which are subject to their jurisdiction, for any

operation which is subject to the maximum penalty of Ten Thousand Dollars ($10,000.00). Appeals of any action or decision to the collective agencies may be taken as provided in Section 49-15-401 et seq. for complaints relating to seafood and as provided in Section 69-7-616 for complaints relating to crawfish.

(b) Civil penalties shall be assessed as follows:

(i) First Violation. The wholesaler, processor, retailer or food service establishment shall be notified in writing and given three (3) days to correct the violation. No penalties under this act shall apply to any wholesaler, processor, retailer or food service establishment that corrects the first violation within three (3) days from the date of notification. Failure to correct the violation within three (3) days shall result in a violation with a fine in the amount of not less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00); and

(ii) Second Violation. Not less than One Thousand Dollars ($1,000.00) or more than Two Thousand Dollars ($2,000.00); and

(iii) Third Violation. Not less than Three Thousand Dollars ($3,000.00) or more than Five Thousand Dollars ($5,000.00); and

(iv) Fourth and Subsequent Violations. Not less than Ten Thousand Dollars ($10,000.00).

(c) Any wholesaler, processor, retailer or food service establishment that knowingly violates any provision of this chapter, rule or regulation, shall be guilty of a misdemeanor and upon conviction, may be subject to a fine of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both.

(d) Any wholesaler, processor, retailer or food service establishment that unknowingly violates this section due to a good faith reliance upon the supplier's documentation of the seafood or crawfish's country of origin shall be held harmless against penalties from a violation of this section.

(e) Any good faith reliance claim must be supported by the appropriate evidence of the documentation from the supplier.

(f) Any person against whom a complaint is made or who has been made subject to a fine or license suspension as provided by this subsection may avail himself of a due process administrative hearing as provided by Section 69-7-616 for complaints related to crawfish and Section 49-15-401 et seq. for complaints related to seafood.

(g) All fines and other monies collected pursuant to violations related to seafood under this section shall be distributed to the Mississippi Department of Marine Resources and deposited into the Seafood Fund for promotion of the domestic seafood market and implementation, enforcement and administration of this section. Fines and monies collected pursuant to

violations related to crawfish under this section shall be distributed to the Mississippi Department of Agriculture and Commerce for implementation, enforcement and administration of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2026.