

1 SB284
2 115541-2
3 By Senators Preuitt and Butler
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 19-JAN-10

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8 SYNOPSIS: Existing law requires any person who
9 supplies farm-raised fish or wild fish to a food
10 service establishment to provide information as to
11 the country of origin of the product as federal law
12 requires. Existing law also requires a food service
13 establishment to place a disclaimer on either its
14 menu or a placard stating the country of origin of
15 the fish or informing the consumer that the
16 consumer may request from the food service
17 establishment the country of origin of the fish. If
18 federal law does not require country of origin
19 labeling, the supplier of the fish and the food
20 service establishment are not required to provide
21 country of origin labeling information.

22 This bill would provide further legislative
23 findings. This bill would require all suppliers and
24 food service establishments to provide certain
25 country of origin labeling of farm-raised fish and
26 wild fish regardless of whether the fish or fish
27 product is required to be labeled pursuant to

1 federal law. This bill would remove the labeling
2 option that allows a retail establishment offering
3 fish for direct retail consumption to state the
4 country of origin in lieu of the disclaimer or
5 notice.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to country of origin labeling of certain
12 farm-raised fish and wild fish; to amend Sections 1, 3, and 9
13 of Act 2009-582, 2009 Regular Session (Acts 2009, p. 1715),
14 now appearing as Sections 22-20A-1, 22-20A-3, and 22-20A-8,
15 Code of Alabama 1975, to provide further for legislative
16 findings and country of origin labeling; and to repeal Section
17 4 of Act 2009-582, now appearing as Section 22-20A-4, Code of
18 Alabama 1975, relating to labeling requirements for certain
19 fish offered for direct sale to the consumer.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 1, 3, and 9 of Act 2009-582,
22 2009 Regular Session (Acts 2009, p. 1715), now appearing as
23 Sections 22-20A-1, 22-20A-3, and 22-20A-8, Code of Alabama
24 1975, are amended to read as follows:

25 "§22-20A-1.

26 "The Legislature hereby finds and declares the
27 consumer's right to know the source or origin of a food

1 product for human consumption is paramount and essential to
2 the health, safety, and well-being of the people of this state
3 and nation. The Legislature further declares the state has a
4 compelling interest in adopting a policy regarding source or
5 origin of food products that it deems reasonably necessary to
6 promote the health, safety, and well-being of the citizens and
7 to enforce that policy by enacting legislation appropriate to
8 further these interests. Providing notice to the public of
9 whether farm-raised fish and wild fish are imported or
10 domestic is compelling.

11 "§22-20A-3.

12 "(a) Any person who supplies farm-raised fish or
13 wild fish to a food service establishment shall provide
14 information of the country of origin of the product to the
15 food service establishment ~~as required by federal law.~~ The
16 State Health Officer, upon verified complaint ~~and in~~
17 ~~compliance with all applicable state and federal law,~~ shall
18 investigate any and all reports of noncompliance with this
19 subsection. Upon receipt of the verified complaint, a copy of
20 the complaint shall be given to the food service
21 establishment.

22 "~~(b) If farm-raised fish or wild fish is supplied to~~
23 ~~a food service establishment and the fish or fish product is~~
24 ~~not required to be labeled with the country of origin pursuant~~
25 ~~to the requirements of federal law, the supplier of the fish~~
26 ~~or fish product or the food service establishment shall not be~~

1 ~~required to provide any additional information to comply with~~
2 ~~this article.~~

3 ~~"(c)(b)~~ A food service establishment serving
4 farm-raised fish or wild fish shall place a disclaimer or
5 notice on the menu or on a placard not smaller than 8 and one
6 half inches by 11 inches in close proximity to the food
7 establishment permit, in a conspicuous place specifically
8 stating the following: "Under Alabama law, the consumer has
9 the right to know, upon request to the food service
10 establishment, the country of origin of farm-raised fish or
11 wild fish." The disclaimer or notice listed on a menu shall be
12 listed in print as large as the listing of the product.

13 ~~"(d)(c)~~ For purposes of this section, the United
14 States is the country of origin for farm-raised fish hatched,
15 raised, harvested, and processed in the United States and wild
16 fish that were harvested in waters of the United States, a
17 territory of the United States, or a state and processed in
18 the United States, a territory of the United States, or a
19 state, including the waters thereof.

20 "§22-20A-8.

21 "(a) Any food service establishment violating this
22 article or the rules promulgated thereunder, after notice and
23 a hearing, shall be subject to penalties on a graduated scale
24 in accordance with the following schedule for all violations
25 within a 24-month period:

26 "(1) First offense - Written warning.

27 "(2) Second offense - One hundred dollars (\$100).

1 "(3) Third offense - Two hundred fifty dollars
2 (\$250).

3 "(4) Fourth offense - Five hundred dollars (\$500).

4 "(5) Fifth offense - One thousand dollars (\$1,000).

5 "(b) Any food service establishment which
6 unknowingly violates this article shall be held harmless
7 against penalties from failure to disclose country of origin
8 of any product which was mislabeled by the wholesaler ~~or,~~
9 distributor, or any person who supplies farmed-raised fish and
10 wild fish to a food service establishment."

11 Section 2. Section 4 of Act 2009-582, 2009 Regular
12 Session (Acts 2009, p. 1715), now appearing as Section
13 22-20A-4, Code of Alabama 1975, is repealed.

14 Section 3. This act shall become effective 120 days
15 following its passage and approval by the Governor, or its
16 otherwise becoming law.