

1 HB171  
2 115541-2  
3 By Representative Collier  
4 RFD: Agriculture and Forestry  
5 First Read: 12-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.