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SYNOPSIS:

Under existing law, certain food service establishments are not required to provide the country of origin of certain food products they provide to consumers.

This bill would require certain food service establishments to notify consumers of the country of origin or importation status of seafood products they offer for sale.

This bill would require these food service establishments to differentiate between farmed-raised fish and shrimp and wild fish and shrimp.

This bill would further provide for the State Department of Public Health to impose civil penalties on food service establishments for failure to comply with these requirements.

This bill would also provided certain persons and actions to which these requirements do not apply.

A BILL
TO BE ENTITLED
AN ACT

Relating to seafood products; to amend Sections



29 22-20A-2, 22-20A-3, 22-20A-4, and 22-20A-8, Code of Alabama
30 1975, to require certain food service establishments to notify
31 consumers of the country of origin or importation status of
32 seafood products offered for sale; to require these food
33 service establishments to differentiate between farmed-raised
34 fish and shrimp and wild fish and shrimp; to further provide
35 for the State Department of Public Health to assess civil
36 penalties for violations; and to add Section 22-20A-9 to the
37 Code of Alabama 1975, to provide certain persons and actions
38 to which these requirements do not apply.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. Sections 22-20A-2, 22-20A-3, 22-20A-4, and
41 22-20A-8, Code of Alabama 1975, are amended to read as
42 follows:

43 "§22-20A-2

44 For the purposes of this article, the following terms
45 ~~shall~~ have the following meanings, unless the context clearly
46 requires a different meaning:

47 (1) BOARD. The State Board of Health as defined in
48 Section ~~22-2-3~~ 22-2-1.

49 ~~(2) DOMESTIC. Any farm-raised fish or wild fish~~
50 ~~hatched, raised, harvested, or processed within the United~~
51 ~~States or a territory of the United States.~~

52 (2) COUNTRY OF ORIGIN. The country in which an animal,
53 from which a covered commodity is derived, is born, raised, or
54 slaughtered. If the animal is born, raised, or slaughtered in
55 different countries, the term includes each country.

56 (3) COVERED COMMODITY.



57 a. Includes all of the following:

58 1. Farmed-raised fish.

59 2. Wild fish.

60 b. The term does not include an item described in this
61 subdivision if the item is an ingredient in processed food.

62 (4) DEPARTMENT. The Alabama Department of Public
63 Health.

64 ~~(3) (5) FARM-RAISED FISH. Includes farm-raised shellfish~~
65 ~~and fillets, steaks, nuggets, and any other flesh from a~~
66 ~~farm-raised fish or shellfish and includes any product of~~
67 ~~which farm-raised fish is an ingredient.~~

68 ~~(4) (6) FOOD SERVICE ESTABLISHMENT. Any place, vehicle,~~
69 ~~or vessel where food for individual portion service is~~
70 ~~prepared, stored, held, transported, served, or dispensed to~~
71 ~~consumers and which is regulated by the department. and~~
72 ~~includes The term includes any such place regardless of~~
73 ~~whether consumption the food sold is intended for on-premises~~
74 ~~or off-premises and which is regulated by the Alabama~~
75 ~~Department of Public Health consumption. Hospitals, as defined~~
76 ~~in Section 22-21-20, shall be excluded from the requirements~~
77 ~~of this article.~~

78 ~~(5) IMPORTED. Any farm-raised fish or wild fish that~~
79 ~~was hatched, raised, harvested, or processed outside the~~
80 ~~United States or a territory of the United States.~~

81 (7) PROCESSED FOOD. A food product derived from the
82 combination of a covered commodity with one or more other
83 agricultural commodity so as to render the covered commodity
84 inseparable or indistinguishable from the other agricultural



85 commodity or commodities.

86 ~~(6)~~ (8) SHELLFISH. Includes crab, lobster, oyster,
87 shrimp, crayfish, clam, and scallops in the wild and any
88 farm-raised shellfish ~~and includes any product of which~~
89 ~~shellfish is an ingredient.~~

90 ~~(7)~~ (9) STATE HEALTH OFFICER. The State Health Officer
91 as defined in Section 22-2-8, or his or her designated
92 representative.

93 ~~(8)~~ (10) VERIFIED COMPLAINT. An allegation of
94 noncompliance with ~~the provisions of~~ this article that can be
95 attributed to the complainant and which is signed and verified
96 by the complainant.

97 ~~(9)~~ (11) WILD FISH. Naturally born or hatchery-raised
98 fish and shellfish harvested in the wild. The term includes ~~a~~
99 ~~fillet, steak, nugget,~~ fillets, steaks, nuggets, and any other
100 flesh from wild fish or shellfish ~~and also includes any~~
101 ~~product of which wild fish is an ingredient.~~ ~~Net-pen~~ The term
102 does not include net-pen aquacultural or other farm-raised
103 fish ~~are excluded from the definition~~ or shellfish."

104 "§22-20A-3

105 (a) Any ~~person~~ individual or entity who supplies
106 ~~farm-raised fish or wild fish~~ a covered commodity to a food
107 service establishment shall provide ~~information of~~ the country
108 of origin of the ~~product~~ covered commodity to the food service
109 establishment ~~as required by federal law.~~ ~~The State Health~~
110 ~~Officer, upon verified complaint and in compliance with all~~
111 ~~applicable state and federal law, shall investigate any and~~
112 ~~all reports of noncompliance with this subsection. Upon~~



113 ~~receipt of the verified complaint, a copy of the complaint~~
114 ~~shall be given to the food service establishment.~~

115 ~~(b) If farm-raised fish or wild fish is supplied to a~~
116 ~~food service establishment and the fish or fish product is not~~
117 ~~required to be labeled with the country of origin pursuant to~~
118 ~~the requirements of federal law, the supplier of the fish or~~
119 ~~fish product or the food service establishment shall not be~~
120 ~~required to provide any additional information to comply with~~
121 ~~this article.~~

122 ~~(c) A food service establishment serving farm-raised~~
123 ~~fish or wild fish shall place a disclaimer or notice on the~~
124 ~~menu or on a placard not smaller than 8 and one half inches by~~
125 ~~11 inches in close proximity to the food establishment permit,~~
126 ~~in a conspicuous place specifically stating the following:~~
127 ~~"Under Alabama law, the consumer has the right to know, upon~~
128 ~~request to the food service establishment, the country of~~
129 ~~origin of farm-raised fish or wild fish." The disclaimer or~~
130 ~~notice listed on a menu shall be listed in print as large as~~
131 ~~the listing of the product.~~

132 ~~(d) For purposes of this section, the United States is~~
133 ~~the country of origin for farm-raised fish hatched, raised,~~
134 ~~harvested, and processed in the United States and wild fish~~
135 ~~that were harvested in waters of the United States, a~~
136 ~~territory of the United States, or a state and processed in~~
137 ~~the United States, a territory of the United States, or a~~
138 ~~state, including the waters thereof.~~

139 (b) A food service establishment selling or providing a
140 covered commodity that originated outside of the United States



141 for primarily off-premises preparation shall provide the
142 country of origin of the covered commodity, or denote that the
143 covered commodity is imported, in letters no smaller than the
144 same size, font, and shade as the covered commodity being
145 offered is listed, by means of a label, stamp, mark, placard,
146 or other visible sign on the package, display, holding unit,
147 or bin containing the covered commodity at the final point of
148 sale or by posting a sign stating such that measures 18 inches
149 wide and tall and not less than 36 inches from the floor
150 located in a conspicuous location where the covered commodity
151 is held for offer using English letters not less than one inch
152 in size

153 (c) (1) A food service establishment that primarily
154 prepares a covered commodity that originated outside of the
155 United States on-premises, which it sells or provides using a
156 menu as a standard business practice, shall display on all
157 menus the country of origin of the covered commodity, or
158 denote that the covered commodity is imported, in letters no
159 smaller than the same size, font, and shade as the covered
160 commodity being offered is listed, immediately adjacent to the
161 menu listing of the covered commodity being offered. In lieu
162 of this requirement, the notice may be paper-clipped to the
163 menu, with the same location, size, font, and shade
164 restrictions required when the notice is listed directly on
165 the menu.

166 (2) A food service establishment that primarily
167 prepares a covered commodity that originated outside of the
168 United States on-premises and that does not use a menu as a



169 standard business practice shall display on a sign posted at
170 the main entrance to the establishment stating that certain
171 covered commodities, as applicable, being offered by the
172 establishment are imported. Each sign shall be at least 18
173 inches tall and 18 inches wide and shall be written in the
174 English language in letters not less than one inch in size.
175 The sign shall be placed in an open area and in a conspicuous
176 position not less than 36 inches from the floor so that it is
177 visible to all patrons.

178 (d) (1) A food service establishment offering
179 farm-raised fish or wild fish shall differentiate between
180 farm-raised fish and wild fish by stating such in the same
181 manner as is required by subsection (b) or (c).

182 (2) The terms "farmed-raised fish" and "wild fish" as
183 used in this subsection mean fish and shrimp only. The term
184 does not include crab, lobster, oyster, crayfish, clam, or
185 scallops.

186 (e) The State Health Officer, upon verified complaint
187 and in compliance with all applicable state and federal laws,
188 shall investigate any and all reports of noncompliance with
189 this section. Upon receipt of the verified complaint, a copy
190 of the complaint shall be given to the retail food
191 establishment or food service establishment."

192 "§22-20A-4

193 Any covered commodity with the United States as its
194 country of origin may have ~~labeling requirements as to~~
195 ~~farm-raised fish and wild fish offered for direct retail sale~~
196 ~~for human consumption by a food service establishment may~~



197 ~~comply with this article by stating the country of origin in~~
198 ~~lieu of the disclaimer or notice; except, that~~ the appropriate
199 state name, ~~or~~ USA, or United States of America, including a
200 trade name or trademark, ~~may be inserted~~ listed in lieu
201 thereof to accommodate ~~similar~~ products produced in any of the
202 states or a territory of the United States of America."

203 "§22-20A-8

204 (a) Any food service establishment ~~violating that~~
205 violates this article or the rules ~~promulgated~~ adopted
206 thereunder, after notice and a hearing, shall be subject to
207 civil penalties. The State Health Officer shall impose these
208 penalties on a graduated scale in accordance with the
209 following schedule for all violations within a 24-month
210 period:

211 (1) ~~First~~ For a first offense ~~—, a Written~~ written
212 warning.

213 (2) ~~Second~~ For a second offense ~~—, a fine of One one~~
214 hundred dollars (\$100).

215 (3) ~~Third~~ For a third offense ~~—, a fine of Two two~~
216 hundred fifty dollars (\$250).

217 (4) ~~Fourth~~ For a fourth offense ~~—, a fine of Five five~~
218 hundred dollars (\$500).

219 (5) ~~Fifth~~ For a fifth and any subsequent offense ~~—, a~~
220 fine of One one thousand dollars (\$1,000).

221 (b) Any food service establishment ~~which that~~
222 unknowingly violates this article due to a good faith reliance
223 upon the establishment's supplier's attestation of the covered
224 commodity's country of origin shall be held harmless against



225 penalties from ~~failure to disclose country of origin of any~~
226 ~~product which was mislabeled by the wholesaler or distributor~~
227 a violation of this article.

228 (c) A food service establishment may appeal any penalty
229 assessed pursuant to this section in accordance with the
230 Alabama Administrative Procedure Act. Judicial review of a
231 final action of the department shall be pursuant to Section
232 41-22-20.

233 (d) All fines and other monies collected pursuant to
234 this section shall be distributed to the department and used
235 to implement, enforce, and administer this article.

236 (e) The State Health Officer, Attorney General, or an
237 appropriate district attorney may file an action to collect
238 any unpaid penalty levied pursuant to this section in a court
239 of competent jurisdiction. The defendant establishment shall
240 be liable for all costs associated with the collection of any
241 unpaid penalty."

242 Section 2. Section 22-20A-9 is added to the Code of
243 Alabama 1975, to read as follows:

244 §22-20A-9

245 The requirements of this article shall not apply to
246 either of the following:

247 (1) Any retailer required to inform consumers of the
248 country of origin of a covered commodity as provided in 7
249 U.S.C. §§ 1638 through 1638d, inclusive.

250 (2) A hospital as defined in Section 22-21-20.

251 Section 3. This act shall become effective on October
252 1, 2024.