

**HB66 ENROLLED**



1 HB66  
2 FTMNDDC-3  
3 By Representative Brown  
4 RFD: Ports, Waterways & Intermodal Transit  
5 First Read: 06-Feb-24  
6 PFD: 30-Jan-24



## HB66 Enrolled

1 Enrolled, An Act,

2 Relating to seafood products; to amend Sections  
3 22-20A-2, 22-20A-3, 22-20A-4, and 22-20A-8, Code of Alabama  
4 1975, to require certain food service establishments to notify  
5 consumers of the country of origin or importation status of  
6 seafood products offered for sale; to require these food  
7 service establishments to differentiate between farmed-raised  
8 fish and shrimp and wild fish and shrimp; to further provide  
9 for the State Department of Public Health to assess civil  
10 penalties for violations; and to add Section 22-20A-9 to the  
11 Code of Alabama 1975, to provide certain persons and actions  
12 to which these requirements do not apply.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 22-20A-2, 22-20A-3, 22-20A-4, and  
15 22-20A-8, Code of Alabama 1975, are amended to read as  
16 follows:

17 "§22-20A-2

18 For the purposes of this article, the following terms  
19 ~~shall~~ have the following meanings, unless the context clearly  
20 requires a different meaning:

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

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

26 (2) COUNTRY OF ORIGIN. The country in which an animal,  
27 from which a covered commodity is derived, is born, raised, ~~or~~  
28 slaughtered, or substantially transformed. If the animal is



## HB66 Enrolled

29 born, raised, ~~or~~ slaughtered, or substantially transformed in  
30 different countries, the term includes each country.

31 (3) COVERED COMMODITY.

32 a. Includes all of the following:

33 1. Farmed-raised fish.

34 2. Wild fish.

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

37 (4) DEPARTMENT. The Alabama Department of Public  
38 Health.

39 ~~(3)~~ (5) FARM-RAISED FISH. Includes farm-raised shellfish  
40 and fillets, steaks, nuggets, and any other flesh from a  
41 farm-raised fish or shellfish ~~and includes any product of~~  
42 ~~which farm-raised fish is an ingredient.~~

43 ~~(4)~~ (6) FOOD SERVICE ESTABLISHMENT. Any place, vehicle,  
44 or vessel where food ~~for individual portion service is~~  
45 prepared, stored, held, transported, served, or dispensed to  
46 consumers and which is regulated by the department. ~~and~~  
47 includes The term includes any such place regardless of  
48 ~~whether consumption~~ the food sold is intended for on-premises  
49 ~~or off-premises and which is regulated by the Alabama~~  
50 ~~Department of Public Health~~ consumption. Hospitals, as defined  
51 ~~in Section 22-21-20, shall be excluded from the requirements~~  
52 ~~of this article.~~

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

56 (7) PROCESSED FOOD. A food product derived from the



## HB66 Enrolled

57 combination of a covered commodity with one or more other  
58 agricultural commodity so as to render the covered commodity  
59 inseparable or indistinguishable from the other agricultural  
60 commodity or commodities.

61 ~~(6)~~ (8) SHELLFISH. Includes crab, lobster, oyster,  
62 shrimp, crayfish, clam, and scallops in the wild and any  
63 farm-raised shellfish ~~and includes any product of which~~  
64 ~~shellfish is an ingredient.~~

65 ~~(7)~~ (9) STATE HEALTH OFFICER. The State Health Officer  
66 as defined in Section 22-2-8, or his or her designated  
67 representative.

68 ~~(8)~~ (10) VERIFIED COMPLAINT. An allegation of  
69 noncompliance with ~~the provisions of~~ this article that can be  
70 attributed to the complainant and which is signed and verified  
71 by the complainant.

72 ~~(9)~~ (11) WILD FISH. Naturally born or hatchery-raised  
73 fish and shellfish harvested in the wild. The term includes ~~a~~  
74 ~~fillet, steak, nugget,~~ fillets, steaks, nuggets, and any other  
75 flesh from wild fish or shellfish ~~and also includes any~~  
76 ~~product of which wild fish is an ingredient. Net-pen~~ The term  
77 does not include net-pen aquacultural or other farm-raised  
78 fish ~~are excluded from the definition~~ or shellfish."

79 "§22-20A-3

80 (a) Any ~~person~~ individual or entity who supplies  
81 ~~farm-raised fish or wild fish~~ a covered commodity to a food  
82 service establishment shall provide ~~information of~~ the country  
83 of origin of the ~~product~~ covered commodity to the food service  
84 establishment ~~as required by federal law. The State Health~~



## HB66 Enrolled

85 ~~Officer, upon verified complaint and in compliance with all~~  
86 ~~applicable state and federal law, shall investigate any and~~  
87 ~~all reports of noncompliance with this subsection. Upon~~  
88 ~~receipt of the verified complaint, a copy of the complaint~~  
89 ~~shall be given to the food service establishment.~~

90 ~~(b) If farm-raised fish or wild fish is supplied to a~~  
91 ~~food service establishment and the fish or fish product is not~~  
92 ~~required to be labeled with the country of origin pursuant to~~  
93 ~~the requirements of federal law, the supplier of the fish or~~  
94 ~~fish product or the food service establishment shall not be~~  
95 ~~required to provide any additional information to comply with~~  
96 ~~this article.~~

97 ~~(c) A food service establishment serving farm-raised~~  
98 ~~fish or wild fish shall place a disclaimer or notice on the~~  
99 ~~menu or on a placard not smaller than 8 and one half inches by~~  
100 ~~11 inches in close proximity to the food establishment permit,~~  
101 ~~in a conspicuous place specifically stating the following:~~  
102 ~~"Under Alabama law, the consumer has the right to know, upon~~  
103 ~~request to the food service establishment, the country of~~  
104 ~~origin of farm-raised fish or wild fish." The disclaimer or~~  
105 ~~notice listed on a menu shall be listed in print as large as~~  
106 ~~the listing of the product.~~

107 ~~(d) For purposes of this section, the United States is~~  
108 ~~the country of origin for farm-raised fish hatched, raised,~~  
109 ~~harvested, and processed in the United States and wild fish~~  
110 ~~that were harvested in waters of the United States, a~~  
111 ~~territory of the United States, or a state and processed in~~  
112 ~~the United States, a territory of the United States, or a~~

## HB66 Enrolled



113 ~~state, including the waters thereof.~~

114 (b) A food service establishment, including an in-store  
115 deli, selling or providing a covered commodity that originated  
116 outside of the United States for primarily off-premises  
117 preparation shall provide the country of origin of the covered  
118 commodity, or denote that the covered commodity is imported,  
119 in letters no smaller than the same size, font, and shade as  
120 the covered commodity being offered is listed, by means of a  
121 label, stamp, mark, placard, or other visible sign on the  
122 package, display, holding unit, or bin containing the covered  
123 commodity at the final point of sale or by posting a sign  
124 stating such that measures not less than eight and one half  
125 inches wide by 11 inches tall and is placed not less than 36  
126 inches from the floor located in a conspicuous location where  
127 the covered commodity is held for offer using English letters  
128 not less than one inch in size.

129 (c) (1) A food service establishment that primarily  
130 prepares a covered commodity that originated outside of the  
131 United States on-premises, which it sells or provides using a  
132 menu as a standard business practice, shall display on all  
133 menus the country of origin of the covered commodity, or  
134 denote that the covered commodity is imported, in letters no  
135 smaller than the same size, font, and shade as the covered  
136 commodity being offered is listed, immediately adjacent to the  
137 menu listing of the covered commodity being offered. In lieu  
138 of this requirement, the notice may be paper-clipped to the  
139 menu, with the same location, size, font, and shade  
140 restrictions required when the notice is listed directly on



## HB66 Enrolled

141 the menu or may be posted as a sign stating such that measures  
142 not less than eight and one half inches wide by 11 inches tall  
143 and is placed not less than 36 inches from the floor located  
144 in a conspicuous location where the covered commodity is held  
145 for offer using English letters not less than one inch in  
146 size.

147 (2) A food service establishment that primarily  
148 prepares a covered commodity that originated outside of the  
149 United States on-premises and that does not use a menu as a  
150 standard business practice shall display on a sign posted at  
151 the main entrance to the establishment stating that certain  
152 covered commodities, as applicable, being offered by the  
153 establishment are imported. Each sign shall be not less than  
154 eight and one half inches wide by 11 inches tall and shall be  
155 written in the English language in letters not less than one  
156 inch in size. The sign shall be placed in an open area and in  
157 a conspicuous position not less than 36 inches from the floor  
158 so that it is visible to all patrons.

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

163 (2) The terms "farmed-raised fish" and "wild fish" as  
164 used in this subsection mean fish and shrimp only. The terms  
165 does not include crab, lobster, oyster, crayfish, clam, or  
166 scallops.

167 (e) The State Health Officer, upon verified complaint  
168 and in compliance with all applicable state and federal laws,



## HB66 Enrolled

169 shall investigate any and all reports of noncompliance with  
170 this section. Upon receipt of the verified complaint, a copy  
171 of the complaint shall be given to the retail food  
172 establishment or food service establishment."

173 "§22-20A-4

174 Any covered commodity with the United States as its  
175 country of origin may have labeling requirements as to  
176 farm-raised fish and wild fish offered for direct retail sale  
177 for human consumption by a food service establishment may  
178 comply with this article by stating the country of origin in  
179 lieu of the disclaimer or notice; except, that the appropriate  
180 state name, ~~or USA,~~ or United States of America, including a  
181 trade name or trademark, ~~may be inserted~~ listed in lieu  
182 thereof to accommodate ~~similar~~ products produced in any of the  
183 states or a territory of the United States of America."

184 "§22-20A-8

185 (a) Any food service establishment violating that  
186 violates this article or the rules promulgated adopted  
187 thereunder, after notice and a hearing, shall be subject to  
188 civil penalties. The State Health Officer shall impose these  
189 penalties on a graduated scale in accordance with the  
190 following schedule for all violations within a 24-month  
191 period:

192 (1) ~~First~~ For a first offense ~~, a written~~ written  
193 warning.

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

196 (3) ~~Third~~ For a third offense ~~, a fine of Two two~~





## HB66 Enrolled

197 hundred fifty dollars (\$250).

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

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

202 (b) Any food service establishment ~~which~~ that  
203 unknowingly violates this article due to a good faith reliance  
204 upon the establishment's supplier's attestation of the covered  
205 commodity's country of origin shall be held harmless against  
206 penalties from failure to disclose country of origin of any  
207 product which was mislabeled by the wholesaler or distributor  
208 a violation of this article.

209 (c) A food service establishment may appeal any penalty  
210 assessed pursuant to this section in accordance with the  
211 Alabama Administrative Procedure Act. Judicial review of a  
212 final action of the department shall be pursuant to Section  
213 41-22-20.

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

217 (e) The State Health Officer or Attorney General may  
218 file an action to collect any unpaid penalty levied pursuant  
219 to this section in a court of competent jurisdiction. The  
220 defendant establishment shall be liable for all costs  
221 associated with the collection of any unpaid penalty."

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

224 §22-20A-9



## HB66 Enrolled

225           The requirements of this article shall not apply to  
226 any of the following:

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

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

231           (3) A group of 10 or more people that preorder their  
232 food items.

233           Section 3. This act shall become effective on October  
234 1, 2024.



**HB66 Enrolled**

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 29-Feb-24, as amended.

John Treadwell  
Clerk

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Senate	<b>08-May-24</b>	Amended and Passed
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House	<b>09-May-24</b>	Concurred in Senate Amendment
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