

HB1 INTRODUCED



1 HB1
2 K9YYAAU-1
3 By Representative Brown
4 RFD: Ports, Waterways & Intermodal Transit
5 First Read: 04-Feb-25
6 PFD: 08-Jul-24



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SYNOPSIS:

Under existing law, a seafood dealer must purchase a license to lawfully operate in this state.

This bill would assess a fee on certain seafood dealer licensees to be deposited into the Imported Seafood Safety Fund.

This bill would also create the Imported Seafood Safety Fund to be used by the Alabama Department of Public Health to inspect imported seafood products for substances that are harmful to humans.

A BILL
TO BE ENTITLED
AN ACT

Relating to seafood; to amend Section 9-12-125 of the Code of Alabama 1975, to assess a fee on certain seafood dealer licensees for deposit into the Imported Seafood Safety Fund; and to create the Imported Seafood Safety Fund for certain imported seafood related uses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 9-12-125, Code of Alabama 1975, is amended to read as follows:



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29 "§9-12-125

30 (a) (1) Any person, ~~firm, or corporation~~ who engages in
31 the selling, brokering, trading, bartering, or processing of
32 any fresh or frozen seafood, whether on a consignment basis or
33 otherwise, is a seafood dealer and shall purchase a seafood
34 ~~dealer's~~ dealer license for a fee of two hundred dollars
35 (\$200) for Alabama residents domiciled for a period of more
36 than one continuous year immediately preceding the date of
37 issuance and four hundred dollars (\$400) for nonresidents,
38 except for residents of states which charge Alabama residents
39 in excess of four hundred dollars (\$400) for the activity, in
40 which case ~~it~~ the fee shall be the amount the other state
41 charges.

42 (2) To obtain ~~the~~ a license, all entities other than
43 brokers shall have and present proof of a business license
44 from the location of the business, a tax identification
45 number, and the appropriate seafood processing health permit.

46 ~~This~~ (3) A license is not required by nonresident
47 seafood dealers buying from or selling to a licensed Alabama
48 seafood dealer or licensed commercial fishermen when selling
49 their catch to a licensed Alabama seafood dealer nor is a
50 license required by restaurants where the seafood is cooked
51 and sold for consumption on or off ~~its~~ the restaurant's
52 premises. Restaurants shall not purchase ~~seafoods~~ seafood from
53 any person, ~~firm, or corporation~~ that is not licensed to sell
54 ~~seafoods~~ seafood in ~~Alabama~~ this state.

55 (4) If ~~the~~ a licensee owns or operates more than one
56 place of business, ~~then~~ an additional ~~dealer's licenses must~~



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57 license shall be purchased for each separate place of
58 business, providing the location of each. A vehicle used
59 solely for transporting ~~seafoods~~ seafood to or from an Alabama
60 seafood dealer is not considered a place of business. Each
61 vehicle from which seafood is sold to or purchased from any
62 person, ~~firm, or corporation~~ other than an Alabama seafood
63 dealer, is a place of business and shall be licensed under
64 this section. ~~The~~ A seafood dealer shall purchase a license
65 for each such vehicle for a fee of one hundred dollars (\$100)
66 per license and the operator of the vehicle shall have the
67 original license in his or her possession when selling or
68 buying seafood from that vehicle. Seafood dealers may purchase
69 ~~seafoods~~ seafood only from commercial fishermen validly
70 licensed in Alabama, Alabama seafood dealers, and any
71 nonresident seller who is validly licensed to sell ~~seafoods~~
72 seafood under the laws of that state.

73 (5) It shall be unlawful for any person, ~~firm, or~~
74 ~~corporation~~ to sell, broker, trade, barter, or process
75 ~~seafoods~~ seafood as provided for in this section without first
76 purchasing a seafood ~~dealer's~~ dealer license. Any person,
77 ~~firm, or corporation~~ violating this section ~~shall~~, upon
78 conviction, shall be guilty of a Class A misdemeanor, with a
79 minimum mandatory fine of one thousand dollars (\$1,000) for a
80 first ~~offenses~~ offense, two thousand five hundred dollars
81 (\$2,500) for a second ~~offenses~~ offense within three years of
82 the date of the first conviction, and five thousand dollars
83 (\$5,000) and a mandatory jail sentence of 10 to 30 days for
84 ~~conviction of~~ a third and any subsequent ~~offenses~~ offense



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85 within three years of the date of the first conviction.

86 (b) Any person that is required to purchase a license
87 pursuant to subsection (a) which sells, brokers, trades,
88 barters, or processes any imported seafood shall be assessed
89 an imported seafood safety fee of two hundred dollars (\$200)
90 to be deposited into the Imported Seafood Safety Fund.

91 (c) (1) The Imported Seafood Safety Fund is created in
92 the State Treasury as a special fund. Any monetary interest
93 that accrues to the Imported Seafood Safety Fund shall be
94 retained in the fund from year to year. No money shall be
95 withdrawn or expended from the fund for any purpose unless the
96 monies have been appropriated by the Legislature and allocated
97 pursuant to this section. Any monies appropriated shall be
98 budgeted and allocated pursuant to the Budget Management Act
99 in accordance with Article 4, commencing with Section 41-4-80
100 of Chapter 4 of Title 41, and only in the amounts provided by
101 the Legislature in the general appropriations act or other
102 appropriations act. No money in the fund shall revert to the
103 State Treasury at the end of any fiscal year.

104 (2) Monies in the fund shall be exclusively used by the
105 Alabama Department of Public Health for sampling, analyzing,
106 testing, and monitoring raw seafood products of foreign origin
107 that are imported into this state and stored on the premises
108 of any person required to purchase a license pursuant to
109 subsection (a). The department shall employ methods necessary
110 to detect the presence of substances that are harmful to human
111 health in imported seafood products. The department shall
112 directly administer or contract for the administration of this



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113 subdivision and may adopt rules as necessary to implement this
114 subdivision."

115 Section 2. This act shall become effective on October
116 1, 2024.