

HB444 INTRODUCED



1 HB444
2 11ADJ3Z-1
3 By Representative Brown
4 RFD: Health
5 First Read: 12-Feb-26



4 SYNOPSIS:

5 Under existing law, the State Committee of
6 Public Health and the State Health Officer are directed
7 and authorized to implement, enforce, and administer
8 requirements for certain food service establishments to
9 notify consumers of the country of origin of certain
10 seafood.

11 This bill would authorize the Commissioner of
12 Agriculture and Industries to test seafood provided by
13 food service establishments to ensure compliance with
14 these requirements.

15 This bill would revise the permitted methods for
16 certain food service establishments to notify consumers
17 of the country of origin of seafood.

18 This bill would require the State Health Officer
19 to make known and reduce the posted sanitation scores
20 of food service establishments that violate these
21 requirements.

22 This bill would also make nonsubstantive,
23 technical revisions to update the existing code
24 language to current style.

28 A BILL



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TO BE ENTITLED

AN ACT

Relating to seafood products; to amend Sections 22-20A-3, 22-20A-5, 22-20A-7, and 22-20A-8, Code of Alabama 1975, to authorize the Commissioner of Agriculture and Industries to test seafood to ensure compliance with country of origin labeling requirements; to revise the permitted methods by which certain food service establishments may notify consumers of country of origin; to further provide for food service establishments that violate these requirements; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-20A-3, 22-20A-5, 22-20A-7, and 22-20A-8, Code of Alabama 1975, are amended to read as follows:

"§22-20A-3

(a) Any ~~individual or entity who~~ person that supplies a covered commodity to a food service establishment shall provide the country of origin of the covered commodity to the food service establishment.

(b) (1) A food service establishment, including an in-store deli, ~~selling or providing~~ that sells or provides a covered commodity that originated outside of the United States for primarily off-premises preparation shall provide the country of origin of the covered commodity, or denote that the covered commodity is imported into the United States, ~~in~~.



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(2) The country of origin of a covered commodity, or the fact that a covered commodity is imported into the United States, shall be provided using letters no smaller than the same size, and in the same font, and shade as the covered commodity being offered is listed, by means of a label, stamp, mark, placard, or other visible sign on the package, display, holding unit, or bin containing the covered commodity at the final point of sale or by posting a sign stating such that measures not less than eight and ~~one-half~~ one-half inches wide by 11 inches tall and is placed not less than 36 inches from the floor located in a conspicuous location where the covered commodity is held for offer using English letters not less than one inch in size.

(c) (1) A food service establishment that primarily prepares a covered commodity that originated outside of the United States on-premises, which it sells or provides using a menu as a standard business practice, shall display on all menus the country of origin of the covered commodity, or denote that the covered commodity is imported into the United States, in letters no smaller than the same size, and in the same font, and shade as the covered commodity being offered is listed, immediately adjacent to the menu listing of the covered commodity being offered. In lieu of this requirement, the notice may be paper-clipped to the menu, with the same location, size, font, and shade ~~restrictions~~ requirements that are required when the notice is listed directly on the menu ~~or may be posted as a sign stating such that measures not less than eight and one-half inches wide by 11 inches tall and is~~



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~~placed not less than 36 inches from the floor located in a conspicuous location where the covered commodity is held for offer using English letters not less than one inch in size.~~

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

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

(2) The terms "~~farmed-raised~~ farm-raised fish" and "wild fish" as used in this subsection mean fish and shrimp only. The terms do not include ~~crab~~ crabs, ~~lobster~~ lobsters, ~~oyster~~ oysters, crayfish, ~~clam~~ clams, or scallops.

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



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~~shall investigate all reports of noncompliance with this section. Upon receipt of the verified complaint, a copy of the complaint shall be given to the retail food establishment or food service establishment."~~

"§22-20A-5

The board shall ~~promulgate~~ adopt rules ~~as may be necessary for the enforcement of~~ to enforce this article, ~~such rules to be promulgated according to~~ in accordance with the Alabama Administrative Procedure Act."

"§22-20A-7

(a) The State Health Officer, or his or her designee, shall regularly inspect all food service establishments required to denote, post, or otherwise provide information pursuant to this article to ensure compliance with this article.

(b) The State Health Officer, upon receiving a verified complaint and in compliance with all applicable state and federal laws, shall investigate all reports of noncompliance with this article. Upon receiving a verified complaint, a copy of the complaint shall be given to the food service establishment that is the subject of the complaint.

(c) The Commissioner of Agriculture and Industries, or his or her designee, may test any covered commodity for which information is required to be provided pursuant to this article to ensure compliance with this article and that the correct information is provided. The commissioner shall report any violations of this article to the State Health Officer for inclusion on the list of all food service establishments that



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violate this article required by Section 22-20A-8.

(d) The State Health Officer may apply for and the circuit court of the county in which a violation of this article or rule adopted pursuant to this article occurs may grant a temporary restraining order or permanent injunction restraining any person from violating or continuing to violate ~~any of the provisions of~~ this article or any rule ~~promulgated under~~ adopted pursuant to this article, notwithstanding the existence of other remedies at law. The injunction shall be issued without bond in the county where the violation occurred."

"§22-20A-8

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

(1) For a first offense, a written warning.

(2) For a second offense, a fine of one hundred dollars (\$100).

(3) For a third offense, a fine of two hundred fifty dollars (\$250).

(4) For a fourth offense, a fine of five hundred dollars (\$500).

(5) For a fifth and any subsequent offense, a fine of one thousand dollars (\$1,000).



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(b) Any food service establishment that unknowingly violates this article due to a good faith reliance upon the establishment's supplier's attestation of the covered commodity's country of origin shall be held harmless against penalties for a violation of this article.

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

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

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

(f) The State Health Officer shall regularly publish the names and addresses of all food service establishments that violate this article.

(g) A score or grade issued or assigned pursuant to Section 22-20-5 to any food service establishment that violates this article shall be reduced by five points for the time period of the score or grade."

Section 2. This act shall become effective on October 1, 2026.