

HB444 INTRODUCED



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



1
2
3

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.

25
26
27

28 A BILL



HB444 INTRODUCED

29 TO BE ENTITLED
30 AN ACT

32 Relating to seafood products; to amend Sections
33 22-20A-3, 22-20A-5, 22-20A-7, and 22-20A-8, Code of Alabama
34 1975, to authorize the Commissioner of Agriculture and
35 Industries to test seafood to ensure compliance with country
36 of origin labeling requirements; to revise the permitted
37 methods by which certain food service establishments may
38 notify consumers of country of origin; to further provide for
39 food service establishments that violate these requirements;
40 and to make nonsubstantive, technical revisions to update the
41 existing code language to current style.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. Sections 22-20A-3, 22-20A-5, 22-20A-7, and
44 22-20A-8, Code of Alabama 1975, are amended to read as
45 follows:

46 "§22-20A-3

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

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



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

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



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

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

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

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

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



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

117 "§22-20A-5

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

122 "§22-20A-7

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

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

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



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

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

152 "§22-20A-8

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

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

161 (2) For a second offense, a fine of one hundred dollars
162 (\$100).

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

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

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



HB444 INTRODUCED

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

174 (c) A food service establishment may appeal any penalty
175 assessed pursuant to this section in accordance with the
176 Alabama Administrative Procedure Act. Judicial review of a
177 final action of the department shall be pursuant to Section
178 41-22-20.

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

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

194 Section 2. This act shall become effective on October
195 1, 2026.