



House Health Reported Substitute for HB444

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A BILL
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

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29 in-store deli, ~~selling or providing~~ that sells or provides a
30 covered commodity that originated outside of the United States
31 for primarily off-premises preparation shall provide the
32 country of origin of the covered commodity, or denote that the
33 covered commodity is imported into the United States, ~~in~~.

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

47 (c) (1) A food service establishment that primarily
48 prepares a covered commodity that originated outside of the
49 United States on-premises, which it sells or provides using a
50 menu as a standard business practice, shall display on all
51 menus the country of origin of the covered commodity, or
52 denote that the covered commodity is imported into the United
53 States, in letters no smaller than the same size ~~and in the~~
54 same font ~~and~~ shade as the covered commodity being offered is
55 listed, immediately adjacent to the menu listing of the
56 covered commodity being offered. In lieu of this requirement,



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57 the notice may be paper-clipped to the menu, with the same
58 location, size, font, and shade ~~restrictions~~ requirements that
59 are required when the notice is listed directly on the menu ~~or~~
60 ~~may be posted as a sign stating such that measures not less~~
61 ~~than eight and one half inches wide by 11 inches tall and is~~
62 ~~placed not less than 36 inches from the floor located in a~~
63 ~~conspicuous location where the covered commodity is held for~~
64 ~~offer using English letters not less than one inch in size.~~

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

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

84 (2) The terms "~~farmed-raised~~ farm-raised fish" and



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85 "wild fish" as used in this subsection mean fish and shrimp
86 only. The terms do not include ~~crab~~ crabs, ~~lobster~~ lobsters,
87 ~~oyster~~ oysters, crayfish, ~~clam~~ clams, or scallops.

88 ~~(e) The State Health Officer, upon verified complaint~~
89 ~~and in compliance with all applicable state and federal laws,~~
90 ~~shall investigate all reports of noncompliance with this~~
91 ~~section. Upon receipt of the verified complaint, a copy of the~~
92 ~~complaint shall be given to the retail food establishment or~~
93 ~~food service establishment."~~

94 "§22-20A-5

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

99 "§22-20A-7

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

105 (b) The State Health Officer, or his or her designee,
106 upon receiving a verified complaint and in compliance with all
107 applicable state and federal laws, shall investigate all
108 reports of noncompliance with this article. Upon receiving a
109 verified complaint, a copy of the complaint shall be given to
110 the food service establishment that is the subject of the
111 complaint.

112 (c) The Commissioner of Agriculture and Industries, or

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113 his or her designee, may test any covered commodity for which
114 information is required to be provided pursuant to this
115 article to ensure compliance with this article and that the
116 correct information is provided. The commissioner shall report
117 any violations of this article to the State Health Officer for
118 inclusion on the list of all food service establishments that
119 violate this article required by Section 22-20A-8.

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

130 "§22-20A-8

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

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

139 (2) For a second offense, a fine of one hundred dollars
140 (\$100).



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

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

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

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

152 (c) A food service establishment may appeal any penalty
153 assessed pursuant to this section in accordance with the
154 Alabama Administrative Procedure Act. Judicial review of a
155 final action of the department shall be pursuant to Section
156 41-22-20.

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

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

165 (f) The Alabama Department of Public Health shall
166 publish on the department's website, not less than quarterly,
167 the names and addresses of all food service establishments
168 that violate this article.



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

173 Section 2. This act shall become effective on October
174 1, 2026.