2019 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE GISCLAIR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH: Requires food service establishments serving imported crawfish or shrimp to inform patrons that the seafood is of foreign origin

| Section 1. R.S. 40:5.5.4 is hereby enacted to read as follows: |
| §5.5.4. Imported crawfish and shrimp; notice to patrons of food service establishments required |
| A. As reflected in Act No. 330 of the 2009 Regular Session of the Legislature, this state recognizes that serious risks to public health may be posed by | antibiotics, radiation, and numerous toxins found in seafood products, including but not limited to crawfish and shrimp, that originate outside of the United States. It remains the intent of the legislature to protect Louisiana consumers from potentially harmful chemicals and residues in seafood products that are imported from foreign countries and sold or served in food service establishments in this state. Therefore, the legislature declares that Louisiana consumers have the right to know if crawfish or shrimp imported from a foreign country is being served in a food service establishment, as the consumption of such seafood may pose a health risk. |

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
B. (1) Any food service establishment that uses a menu as a standard business practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States shall display on all menus the country of origin of such crawfish or shrimp in letters no smaller than one-half inch in size, in the English language, immediately adjacent to the menu listing of the seafood item being sold. In lieu of this requirement, the notice may be paper-clipped to the menu, or the notice may be explained orally to patrons by staff of the food service establishment.

(2) Any food service establishment that does not use a menu as a standard business practice and sells or provides cooked or prepared crawfish or shrimp that originate outside of the United States shall display on a sign posted at the main entrance to the establishment that certain crawfish or shrimp, as applicable, being served within originate from a foreign country. Each sign shall be at least eighteen inches tall and eighteen inches wide and shall be written in the English language in letters not less than two inches in size. The sign shall be placed in an open area and in a conspicuous position not less than thirty-six inches from the floor so that it is visible to all patrons. In lieu of this requirement, the notice may be explained orally to patrons by staff of the food service establishment.

C. Any violation of this Section shall constitute a violation of the state sanitary code.

D. The Louisiana Department of Health shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to enforce the provisions of this Section.

E. For purposes of this Section, "food service establishment" shall have the meaning ascribed in R.S. 40:5.5.
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 335 Original 2019 Regular Session Gisclair

Abstract: Requires food service establishments serving imported crawfish or shrimp to inform patrons of the country of origin of that seafood and provides that failure to comply with the requirement is a violation of the state sanitary code.

Proposed law declares that La. consumers have the right to know if crawfish or shrimp imported from a foreign country is being served in a food service establishment, as the consumption of such seafood may pose a health risk.

Proposed law provides that for purposes of proposed law, "food service establishment" means an establishment that prepares food for human consumption, either for individual service or for a group of people, whether consumption is on or off the premises and regardless of whether there is a charge for the food; but shall not include any of the following: Private homes where food is prepared or served for individual family consumption, private clubs where food is prepared and served exclusively for member consumption, religious or charitable food sales, any establishment that heats or prepares boudin or sausage for personal consumption, a bar or lounge that serves beverages only, temporary and seasonal establishments, bed and breakfast operations, nursing facilities, or public, private, or parochial schools.

Proposed law requires all food service establishments that use a menu as a standard business practice and sell or provide cooked or prepared crawfish or shrimp that originate outside of the U.S. to display on all menus the country of origin of such crawfish or shrimp in letters no smaller than one-half inch in size, in English, immediately adjacent to the menu listing of the seafood item being sold. Provides that in lieu of this requirement, the notice may be paper-clipped to the menu, or be explained orally to patrons by food service establishment staff.

Proposed law requires all food service establishments that do not use a menu as a standard business practice and sell or provide cooked or prepared crawfish or shrimp that originate outside of the U.S. to display on a sign posted at the main entrance to the establishment that certain crawfish or shrimp, as applicable, being served within originate from a foreign country. Stipulates that each sign shall be at least 18 inches tall, 18 inches wide, written in English in letters not less than two inches in size, and placed in an open area and in a conspicuous position not less than 36 inches from the floor so that it is visible to all patrons. Provides that in lieu of this requirement, the notice may be explained orally to patrons by food service establishment staff.

Proposed law provides that any violation of proposed law shall constitute a violation of the state sanitary code.

Proposed law requires the La. Department of Health to promulgate all such administrative rules as are necessary to enforce the provisions of proposed law.

(Adds R.S. 40:5.5.4)