

2019 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVES GISCLAIR, AMEDEE, ARMES, BILLIOT, BISHOP, CHAD BROWN, TERRY BROWN, CONNICK, COX, GUINN, LEOPOLD, LYONS, MAGEE, MARCELLE, JIM MORRIS, ZERINGUE, SMITH, FRANKLIN, HILL, HOWARD, TERRY LANDRY, ABRAHAM, ADAMS, BOURRIAQUE, GARY CARTER, FALCONER, GAROFALO, GLOVER, HODGES, HORTON, JACKSON, JEFFERSON, JENKINS, JONES, LACOMBE, LARVADAIN, MACK, MARINO, MCMAHEN, MIGUEZ, GREGORY MILLER, MOORE, MOSS, MUSCARELLO, NORTON, PIERRE, PYLANT, RICHARD, SIMON, STAGNI, AND STEFANSKI AND SENATORS ALARIO, ALLAIN, BARROW, CARTER, CHABERT, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS, MILKOVICH, MILLS, MORRELL, MORRISH, PETERSON, PRICE, GARY SMITH, JOHN SMITH, TARVER, WALSWORTH, AND WARD AND REPRESENTATIVE LEGER

1 AN ACT

2 To enact R.S. 40:5.5.4, relative to regulation of food service establishments; to require such
3 establishments that serve crawfish or shrimp which originate outside of the United
4 States to inform patrons that the seafood is of foreign origin; to provide for
5 enforcement of the requirement by the Louisiana Department of Health; to provide
6 for definitions; to provide for legislative intent; to provide for an effective date; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:5.5.4 is hereby enacted to read as follows:

10 §5.5.4. Imported crawfish and shrimp; notice to patrons of food service
11 establishments required

12 A. As reflected in Act No. 330 of the 2009 Regular Session of the
13 Legislature, this state recognizes that serious risks to public health may be posed by
14 antibiotics, radiation, and numerous toxins found in seafood products, including but
15 not limited to crawfish and shrimp, that originate outside of the United States. It
16 remains the intent of the legislature to protect Louisiana consumers from potentially
17 harmful chemicals and residues in seafood products that are imported from foreign
18 countries and sold or served in food service establishments in this state. Therefore,
19 the legislature declares that Louisiana consumers have the right to know if crawfish

1 or shrimp imported from a foreign country is being served in a food service
2 establishment, as the consumption of such seafood may pose a health risk.

3 B.(1) Any food service establishment that uses a menu as a standard business
4 practice and sells or provides cooked or prepared crawfish or shrimp that originate
5 outside of the United States shall display on all menus the country of origin of such
6 crawfish or shrimp or, denote that the crawfish or shrimp are imported, in letters no
7 smaller than the same size, font, and shade as the product being offered, immediately
8 adjacent to the menu listing of the seafood item being sold. In lieu of this
9 requirement, the notice shall be paper-clipped to the menu, with the same location,
10 size, font, and shade restrictions required when the notice is listed directly on the
11 menu.

12 (2) Any food service establishment that does not use a menu as a standard
13 business practice and sells or provides cooked or prepared crawfish or shrimp that
14 originate outside of the United States shall display on a sign posted at the main
15 entrance to the establishment that certain crawfish or shrimp, as applicable, being
16 served within originate from a foreign country. Each sign shall be at least eighteen
17 inches tall and eighteen inches wide and shall be written in the English language in
18 letters not less than one inch in size. The sign shall be placed in an open area and in
19 a conspicuous position not less than thirty-six inches from the floor so that it is
20 visible to all patrons.

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

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

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

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____