

ACT No. 330

HOUSE BILL NO. 551

BY REPRESENTATIVES MILLS, ABRAMSON, ARMES, AUSTIN BADON, BOBBY BADON, BALDONE, BARRAS, BARROW, BILLIOT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHAMPAGNE, CHANDLER, CHANEY, CORTEZ, CROMER, DIXON, DOERGE, DOVE, EDWARDS, FANNIN, GISCLAIR, MICKEY GUILLORY, GUINN, HARDY, HARRISON, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, SAM JONES, KATZ, LABRUZZO, LAFONTA, LAMBERT, LANDRY, LEBAS, LIGI, LITTLE, MONICA, MONToucET, MORRIS, NORTON, NOWLIN, PERRY, POPE, PUGH, RICHARD, RICHARDSON, ROBIDEAUX, SIMON, GARY SMITH, JANE SMITH, ST. GERMAIN, STIAES, THIBAUT, WADDELL, WILLIAMS, AND WILLMOTT AND SENATORS CHEEK, DORSEY, ERDEY, GUILLORY, HEITMEIER, MOUNT, NEVERS, AND THOMPSON

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

1 AN ACT

2 To amend and reenact R.S. 40:4(A)(1)(b) and to enact R.S. 40:5.5.2 and 5.5.3, relative to
3 seafood products; to create a seafood safety campaign regarding the risk of
4 consumption of Chinese seafood; to grant the state health officer rulemaking
5 authority; to encourage the labeling of certain seafood products; to encourage the
6 posting of signs; to create the Seafood Safety Task Force; to provide for the
7 membership of the task force; to provide for the purpose and duties of the task force;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:4(A)(1)(b) is hereby amended and reenacted and R.S. 40:5.5.2
11 and 5.5.3 are hereby enacted to read as follows:

12 §4. Sanitary Code

13 A. The state health officer acting through the office of public health of the
14 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
15 regulations embodied within the state's Sanitary Code covering all matters within his
16 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
17 Code shall be accomplished in strict accordance with the provisions of the

1 Administrative Procedure Act, and further, in conformity with the following
2 guidelines and directives:

3 (1)

4 * * *

5 (b)(i) Pending the availability of federal funds to implement this
6 Subparagraph, the inspection of seafood conducted pursuant to the Sanitary Code
7 and pursuant to the Department of Agriculture and Forestry's Seafood Inspection
8 Program shall include a recommendation for testing of the environment, including
9 the water source, to the appropriate agency, only when evidence of contamination,
10 adulteration, or spoilage or of any other condition or substance which is or may be
11 injurious to health of humans or animals is indicated. The department shall adopt
12 rules as part of the Sanitary Code and the Department of Agriculture and Forestry
13 shall adopt rules as part of the Seafood Inspection Program.

14 (ii) Subject to the appropriation of funds by the legislature, the state health
15 officer in conjunction with the Louisiana Department of Agriculture and Forestry
16 shall institute a public safety marketing campaign to warn the public about the risks
17 of consuming seafood from the People's Republic of China deemed to be safe by the
18 Seafood Inspection Program but which nevertheless contains hazardous substances.
19 The campaign shall include a warning label program as more specifically provided
20 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of
21 understanding with the Louisiana Department of Agriculture and Forestry to
22 implement this marketing campaign.

23 (iii) The Louisiana Retailers Association shall work with the Louisiana
24 Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and
25 Research Board, and other respective agencies to develop a voluntary assessment for
26 the implementation of the public safety marketing campaign.

27 * * *

28 §5.5.2. Chinese seafood warning label program

29 A. The legislature finds that serious risks to public health may be posed by
30 radiation, antibiotics, such as chloramphenicol and fluoroquinolones, chemicals,

1 malachite green, copper salts, and other residues found in Chinese seafood. The
2 overexposure to antibiotics from such seafood may cause serious antibiotic
3 resistance to the consumer. In addition, chemicals such as malachite green are
4 known carcinogens. It is the intent of the legislature to protect the health and welfare
5 of Louisiana consumers from potentially harmful residues in seafood imported from
6 the People's Republic of China that are sold or served in Louisiana. Therefore, the
7 legislature finds that Louisiana consumers have the right to know if seafood imported
8 from the People's Republic of China is being served in a food service establishment
9 or is available for purchase.

10 B.(1) The state health officer shall prepare and promulgate all rules and
11 regulations necessary to ensure that all consumers of imported marine and freshwater
12 seafood products from the People's Republic of China are warned about the potential
13 health risks associated with the consumption of those products.

14 (2) The state health officer and the Louisiana Restaurant Association shall
15 employ a marketing campaign that places an emphasis on highlighting the benefits
16 of eating domestic seafood.

17 C. The state health officer shall produce a statement that may be included on
18 labels, placards, menu boards, or other promotional signage that encourages
19 consumers to consume Louisiana seafood and warns of the risks that may be
20 associated with the consumption of Chinese seafood.

21 D. With the cooperation and assistance of the Louisiana Retailers
22 Association, the Louisiana Restaurant Association, and other necessary
23 organizations, the state health officer in conjunction with the Louisiana Department
24 of Agriculture and Forestry shall encourage the display of the signage and other
25 promotional literature as provided for in Subsection C of this Section where seafood
26 sales occur.

27 §5.5.3. Seafood Safety Task Force; creation; purpose

28 A. Within the Department of Health and Hospitals there is hereby created the
29 Seafood Safety Task Force, hereafter referred to as "task force". The task force shall
30 be charged with obtaining: (1) the method in which the imported seafood is inspected

1 in Louisiana; (2) the frequency of inspections of imported seafood; (3) the substances
2 for which imported seafood are currently being tested; and (4) the results of sampling
3 analysis of potentially harmful substances in imported seafood. The task force shall
4 compile the results of these findings and develop seafood and safety
5 recommendations to be reported to the House Committee on Health and Welfare,
6 the Senate Committee on Health and Welfare, the House Committee on Agriculture,
7 Forestry, Aquaculture, and Rural Development, and the Senate Committee on
8 Agriculture, Forestry, Aquaculture, and Rural Development by March 1, 2010.

9 B. The task force shall be composed of the following members:

10 (1) A member appointed by chairman of the House Committee on Health
11 and Welfare who shall serve as chair of the task force or his designee.

12 (2) A member appointed by chairman of the Senate Committee on Health
13 and Welfare or his designee.

14 (3) The commissioner of the Department of Agriculture and Forestry or his
15 designee.

16 (4) The chancellor of the Louisiana State University Agricultural Center or
17 his designee.

18 (5) A representative of the Louisiana Poison Control Center.

19 (6) The secretary of the Department of Health and Hospitals or his designee.

20 (7) A representative of the United States Food and Drug Administration.

21 (8) A representative of the Louisiana Farm Bureau Federation.

22 (9) The secretary of the Department of Wildlife and Fisheries or his
23 designee.

24 (10) The secretary of the Department of Environmental Quality or his
25 designee.

26 (11) A representative of the Louisiana Restaurant Association.

27 (12) A public health nutritionist.

28 C. The task force shall convene for its first meeting no later than January 15,
29 2010. At this meeting the members shall elect a vice chairman and other officers as
30 they deem appropriate.

1 D. The task force shall meet at such times and at places it may designate.
2 Meetings shall be held at the call of the chairman or at the call of a quorum of
3 members upon not less than seven days notice. A majority of a quorum shall be
4 present to transact any business. The members of the task force shall not be
5 compensated for their services on the task force but may seek travel reimbursements
6 from their respective agencies under their respective guidelines. Meetings of the task
7 force shall be subject to laws regarding open meetings, and records of the task force
8 shall be subject to laws regarding public records.

9 E. The chair of the task force may appoint committees to fulfill the purposes
10 of the task force. The chair of the task force shall appoint the chair of any
11 committee and shall designate the functions and responsibilities of each committee
12 appointed.

13 Section 2. This Act shall become effective on January 1, 2010.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____