

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

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; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §5.5.4. Imported crawfish and shrimp; notice to patrons of food service
10 establishments required

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

1 B.(1) Any food service establishment that uses a menu as a standard business
2 practice and sells or provides cooked or prepared crawfish or shrimp that originate
3 outside of the United States shall display on all menus the country of origin of such
4 crawfish or shrimp in letters no smaller than one-half inch in size, in the English
5 language, immediately adjacent to the menu listing of the seafood item being sold.
6 In lieu of this requirement, the notice may be paper-clipped to the menu, or the
7 notice may be explained orally to patrons by staff of the food service establishment.

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

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

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

23 E. For purposes of this Section, "food service establishment" shall have the
24 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)