

2023 Regular Session

SENATE RESOLUTION NO. 159

BY SENATORS FRED MILLS AND CONNICK

PUBLIC HEALTH. Directs the Louisiana Department of Health to protect the people of Louisiana from the dangers of imported seafood by immediately taking any and all action necessary to enforce the many provisions of Louisiana law relative to seafood safety.

1 A RESOLUTION

2 To direct the Louisiana Department of Health to protect the people of Louisiana from the
3 dangers of imported seafood by immediately taking any and all action necessary to
4 enforce the many provisions of Louisiana law relative to seafood safety.

5 WHEREAS, according to the National Oceanic and Atmospheric Administration, in
6 2019 the United States imported six billion pounds of edible seafood products; and

7 WHEREAS, it is estimated that over half of the imported seafood consumed in the
8 United States is from aquaculture rather than wild-caught; and

9 WHEREAS, only a very small amount of imported seafood is tested for harmful
10 substances by the federal government; and

11 WHEREAS, the Louisiana State University School of Renewable Natural Resources
12 published a 2020 paper titled "Determination of Sulfite and Antimicrobial Residue in
13 Imported Shrimp to the USA", which presented findings from a study of imported shrimp
14 purchased from retail stores in Baton Rouge, Louisiana; and

15 WHEREAS, a screening of these shrimp for sulfites and residues from antimicrobial
16 drugs found the following: (1) five percent of the shrimp contained malachite green, (2)
17 seven percent contained oxytetracycline, (3) seventeen percent contained fluoroquinolone,
18 and (4) seventy percent contained nitrofurantoin; and

1 WHEREAS, all of these substances have been banned by the United States Food and
2 Drug Administration (FDA) in domestic aquaculture operations; and

3 WHEREAS, the results of this study confirm that existing screening and enforcement
4 measures for imported seafood are insufficient; whatever the percentage of imports inspected
5 may be, seafood is currently being imported that contains unsafe substances that put
6 Louisiana consumers at risk; and

7 WHEREAS, the Legislature of Louisiana is concerned about the continued presence
8 of certain chemical, bacterial, or biotoxin contaminants in imported seafood that put its
9 citizens at risk for serious food-borne illnesses; and

10 WHEREAS, it is imperative to the health and well-being of the citizens of this state
11 that all imported seafood be wholesome and free of adulteration prior to sale in Louisiana;
12 and

13 WHEREAS, in 2008, the Legislature of Louisiana passed Act No. 264 which enacted
14 R.S. 56:578.14 to prohibit an owner or manager of a restaurant that sells imported crawfish
15 or shrimp from misrepresenting to the public, either verbally, on a menu, or on signs
16 displayed on the premises, that the crawfish or shrimp is domestic; and

17 WHEREAS, the district attorney of the district in which the restaurant is located has
18 jurisdiction over violations of R.S. 56:578.14, and the penalties for violations are monetary
19 fines between fifty dollars and five hundred dollars, depending on the number of previous
20 violations; and

21 WHEREAS, in 2009, the Legislature of Louisiana passed Act No. 330 which
22 included legislative findings that serious risks to public health may be posed by radiation,
23 antibiotics, such as chloramphenicol and fluoroquinolones, chemicals, malachite green,
24 copper salts, and other residues found in Chinese seafood; that the overexposure to
25 antibiotics from such seafood may cause serious antibiotic resistance to the consumer; and
26 that, in addition, chemicals such as malachite green are known carcinogens; and

27 WHEREAS, Act No. 330 clearly states it is the intent of the legislature to protect the
28 health and welfare of Louisiana consumers from potentially harmful residues in seafood
29 imported from the People's Republic of China that are sold or served in Louisiana, and that
30 Louisiana consumers have the right to know if seafood imported from the People's Republic

1 of China is being served in a food service establishment or is available for purchase; and

2 WHEREAS, Act No. 330 required the state health officer, in conjunction with the
3 Department of Agriculture and Forestry, to institute a public safety marketing campaign to
4 warn the public about the risks of consuming seafood from the People's Republic of China
5 deemed to be safe by the Seafood Inspection Program but which nevertheless contains
6 hazardous substances; and

7 WHEREAS, R.S. 40:5.5.2, as enacted by Act No. 330, provides for a Chinese
8 seafood warning label program and requires the state health officer to take actions to ensure
9 that all consumers of imported marine and freshwater seafood products from the People's
10 Republic of China are warned about the potential health risks associated with the
11 consumption of those products, including a marketing campaign employed by the state
12 health officer and the Louisiana Restaurant Association that places an emphasis on
13 highlighting the benefits of eating domestic seafood and the production of a statement that
14 may be included on labels, placards, menu boards, or other promotional signage to
15 encourage consumers to consume Louisiana seafood and warn of the risks that may be
16 associated with the consumption of Chinese seafood; and

17 WHEREAS, Act No. 330 created, within the Louisiana Department of Health, the
18 Seafood Safety Task Force, which was charged with obtaining: (1) the method in which the
19 imported seafood is inspected in Louisiana; (2) the frequency of inspections of imported
20 seafood; (3) the substances for which imported seafood are currently being tested; and (4)
21 the results of sampling analysis of potentially harmful substances in imported seafood; and

22 WHEREAS, R.S. 40:5.5.3 required the task force to compile the results of these
23 findings and develop seafood and safety recommendations to be reported to the House
24 Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House
25 Committee on Agriculture, Forestry, Aquaculture, and Rural Development, and the Senate
26 Committee on Agriculture, Forestry, Aquaculture, and Rural Development by March 1,
27 2010; and

28 WHEREAS, the Seafood Safety Task Force still exists in current law and the need
29 for the task force to review state policy regarding imported seafood has not diminished but
30 has grown greater than ever; and

1 WHEREAS, in 2019, the Legislature of Louisiana passed Act No. 372 which
2 recognized that serious risks to public health may be posed by antibiotics, radiation, and
3 numerous toxins found in seafood products, including but not limited to crawfish and
4 shrimp, that originate outside of the United States; and

5 WHEREAS, Act No. 372 further affirmed the intent of the legislature to protect
6 Louisiana consumers from potentially harmful chemicals and residues in seafood products
7 that are imported from foreign countries and sold or served in food service establishments
8 in this state and declared that Louisiana consumers have the right to know if crawfish or
9 shrimp imported from a foreign country is being served in a food service establishment, as
10 the consumption of such seafood may pose a health risk; and

11 WHEREAS, R.S. 40:5.5.4, as enacted by Act No. 372, requires any food service
12 establishment that sells or provides cooked or prepared crawfish or shrimp that originate
13 outside of the United States to display on all menus the country of origin of the crawfish or
14 shrimp, or denote that the crawfish or shrimp are imported, in letters no smaller than the
15 same size, font, and shade as the product being offered, immediately adjacent to the menu
16 listing of the seafood item being sold or paper-clipped to the menu; and

17 WHEREAS, R.S. 40:5.5.4 further requires any food service establishment that does
18 not use a menu as a standard business practice to display on a sign posted at the main
19 entrance to the establishment, and visible to all patrons, that the crawfish or shrimp being
20 served originate from a foreign country; and

21 WHEREAS, a violation of R.S. 40:5.5.4 constitutes a violation of the state sanitary
22 code; and

23 WHEREAS, the Legislature of Louisiana has recently heard the concerns of
24 Louisiana residents that Louisiana statutory requirements regarding imported seafood are
25 not being properly enforced; and

26 WHEREAS, at the May 31, 2023, meeting of the Senate Committee on Health and
27 Welfare, Louisiana Department of Health staff members indicated that a violation of R.S.
28 40:5.5.4 is not considered a critical violation of the state sanitary code which must be
29 promptly remedied; and

30 WHEREAS, the mission of the Louisiana Department of Health is to protect and

1 promote health for all residents of Louisiana; and

2 WHEREAS, unfair competition allows foreign competitors to flood the United States
3 market with seafood harvested under intensive farming practices, while devastating local
4 industries and coastal communities built around them; and

5 WHEREAS, domestically produced shrimp and crawfish offer the best option for the
6 health and safety of United States consumers; and

7 WHEREAS, people all over the United States and foreign tourists who travel to
8 Louisiana purposefully choose to eat Louisiana seafood and it is imperative that they can be
9 assured that they are receiving genuine Louisiana seafood.

10 THEREFORE, BE IT RESOLVED that the Senate of the Legislature does hereby
11 direct the Louisiana Department of Health to protect the people of Louisiana from the
12 dangers of imported seafood by immediately taking any and all action necessary to enforce
13 the many provisions of Louisiana law relative to seafood safety.

14 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall
15 immediately coordinate with the commissioner of agriculture and the lieutenant governor
16 to pursue every funding option available to promote Louisiana seafood, including revival of
17 the "Ask before you eat" campaign or something equally compelling and the marketing
18 campaign required by R.S. 40:5.5.2.

19 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall
20 convene and resume the operations of the Seafood Safety Task Force created by R.S.
21 40:5.5.3, with the first meeting taking place no later than August 1, 2023.

22 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall
23 immediately amend LAC 51:XXIII:4311 to include a violation of R.S. 40:5.5.4 as a critical
24 violation for enforcement purposes.

25 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall
26 immediately amend LAC 51:I:113 to include a violation of R.S. 40:5.5.4 as class A violation
27 subject to the imposition of a civil fine for noncompliance.

28 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall report
29 to the appropriate district attorney all violations of R.S. 56:578.14 discovered during
30 restaurant inspections or reported in complaints made to the department.

1 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
2 secretary of the Louisiana Department of Health.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SR 159 Original 2023 Regular Session Fred Mills

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