

2024 Regular Session

HOUSE BILL NO. 676

BY REPRESENTATIVES KERNER, ADAMS, BAYHAM, BERAULT, BILLINGS, BRAUD, ROBBY CARTER, WILFORD CARTER, COATES, COX, DEWITT, DOMANGUE, GREEN, JACKSON, MIKE JOHNSON, LARVADAIN, ORGERON, ROMERO, SELDERS, TAYLOR, WALTERS, AND ZERINGUE

SEAFOOD: Establishes a seafood importer license for wholesale/retail dealers and retail dealers

1 AN ACT

2 To amend and reenact R.S. 40:5.10.1 and R.S. 56:306(Section heading) and 306.1(Section  
3 heading), to enact R.S. 56:306(B)(8) and 306.1(B)(8), and to repeal R.S.  
4 40:31.35(C), relative to seafood importer licenses and fees; to require licensed  
5 wholesale/retail and licensed retail dealers who import shrimp, crawfish, or crab to  
6 obtain an additional seafood importer license; to establish license fees; to establish  
7 license duration and purchasing; to allocate license revenue; to repeal a duplicative  
8 fee; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:5.10.1 is hereby amended and reenacted to read as follows:

11 §5.10.1. Imported Seafood Safety Fund

12 A. There is hereby created in the state treasury a special fund designated as  
13 the Imported Seafood Safety Fund, referred to hereafter in this Section as the "fund".

14 After allocation of money to the Bond Security and Redemption Fund as provided  
15 in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall  
16 deposit in and credit to the fund monies collected pursuant to R.S. ~~40:31.35(C)~~  
17 56:306(B)(8) and 306.1(B)(8). Monies in the fund shall be invested in the same  
18 manner as monies in the state general fund. Interest earned on investment of monies

1 shall be deposited in and credited to the fund. Unexpended and unencumbered  
2 monies in the fund shall remain in the fund. Monies in the fund shall be appropriated  
3 to the office of public health of the Louisiana Department of Health and used  
4 exclusively as provided in this Section.

5 B. The monies in the fund shall be appropriated and expended solely for the  
6 purpose of sampling, analysis, testing, and monitoring of raw seafood products of  
7 foreign origin that are imported into Louisiana and stored on the premises of any  
8 business holding a commercial seafood permit issued pursuant to R.S. 40:31.35 and  
9 any shrimp, crawfish, or crab imported from outside the federal exclusive economic  
10 zone (EEZ) by the holder of a seafood importer license under R.S. 56:306 or 306.1.

11 The office of public health of the Louisiana Department of Health shall directly  
12 administer or contract for such sampling, analysis, testing, and monitoring functions.

13 The office of public health shall employ such functions to detect in imported seafood  
14 products the presence of substances that are harmful to human health. The state  
15 health officer shall determine the specific types of such sampling, analysis, testing,  
16 and monitoring functions to be implemented as well as the frequency and scope of  
17 these activities, all of which he may modify based upon the availability of funding  
18 for these purposes.

19 Section 2. R.S. 56:306(Section heading) and 306.1(Section heading) are hereby  
20 amended and reenacted and R.S. 56:306(B)(8) and 306.1(B)(8) are hereby enacted to read  
21 as follows:

22 §306. Wholesale/retail seafood dealer's license; place of business; employees;  
23 exemptions; wholesale out-of-state crab shipping license; seafood importer  
24 license

25 \* \* \*

26 B.

27 \* \* \*

28 (8)(a) In addition to the license requirements contained in this Section, any  
29 wholesale/retail seafood dealer who imports any shrimp, crawfish, or crab sourced

1 from outside of the federal exclusive economic zone (EEZ) shall be required to  
 2 purchase a seafood importer license in addition to his wholesale/retail dealer's  
 3 license. The seafood importer license shall be issued in the same manner as a  
 4 wholesale/retail seafood dealer's license and shall be issued only to a person who is  
 5 a licensed wholesale/retail seafood dealer.

6 (b) The license fee shall be based on the amount of shrimp, crawfish, and  
 7 crab imported as follows:

<u>Pounds of Shrimp, Crawfish, and Crab Imported</u>	<u>Fee</u>
<u>0 to 5,000</u>	<u>\$500</u>
<u>5,001 to 20,000</u>	<u>\$2,000</u>
<u>20,001 to 40,000</u>	<u>\$5,200</u>
<u>40,001 to 60,000</u>	<u>\$12,000</u>
<u>60,001 to 80,000</u>	<u>\$22,000</u>
<u>80,001 to 100,000</u>	<u>\$32,000</u>
<u>100,001 to 500,000</u>	<u>\$42,000</u>
<u>500,001 or more</u>	<u>\$100,000</u>

17 (c) The license shall be valid for one year, beginning on January first of each  
 18 calendar year and expiring on December thirty-first of the same calendar year. The  
 19 license may be purchased at any time of the year for the current license year and  
 20 from November fifteenth for the immediately following license year.

21 (d) Ten percent of all revenues collected from the issuance of seafood  
 22 importer licenses shall be deposited into the Conservation Fund as provided for in  
 23 R.S. 56:10 and the remainder shall be deposited into the Imported Seafood Safety  
 24 Fund as provided in R.S. 40:5.10.1.

25 §306.1. Retail seafood dealer's license; place of business; employees; retail  
 26 out-of-state crab shipping license; seafood importer license

27 \* \* \*

28 B.

29 \* \* \*

1           (8)(a) In addition to the license requirements contained in this Section, any  
 2           retail seafood dealer who imports shrimp, crawfish, or crab sourced from outside of  
 3           the federal exclusive economic zone (EEZ) shall be required to purchase a seafood  
 4           importer license in addition to his retail dealer's license. The seafood importer  
 5           license shall be issued in the same manner as a retail seafood dealer's license and  
 6           shall be issued only to a person who is a licensed retail seafood dealer.

7           (b) The license fee shall be based on the amount of shrimp, crawfish, and  
 8           crab imported as follows:

<u>Pounds of Shrimp, Crawfish, and Crab Imported</u>	<u>Fee</u>
<u>0 to 5,000</u>	<u>\$500</u>
<u>5,001 to 20,000</u>	<u>\$2,000</u>
<u>20,001 to 40,000</u>	<u>\$5,200</u>
<u>40,001 to 60,000</u>	<u>\$12,000</u>
<u>60,001 to 80,000</u>	<u>\$22,000</u>
<u>80,001 to 100,000</u>	<u>\$32,000</u>
<u>100,001 to 500,000</u>	<u>\$42,000</u>
<u>500,001 or more</u>	<u>\$100,000</u>

18           (c) The license shall be valid for one year, beginning on January first of each  
 19           calendar year and expiring on December thirty-first of the same calendar year. The  
 20           license may be purchased at any time of the year for the current license year and  
 21           from November fifteenth for the immediately following license year.

22           (d) Ten percent of all revenues collected from the issuance of seafood  
 23           importer licenses shall be deposited into the Conservation Fund as provided in R.S.  
 24           56:10 and the remainder shall be deposited in the Imported Seafood Safety Fund as  
 25           provided in R.S. 40:5.10.1.

26           Section 3. R.S. 40:31.35(C) is hereby repealed in its entirety.

## 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 676 Reengrossed

2024 Regular Session

Kerner

**Abstract:** Requires any wholesale/retail dealer or retail dealer that imports shrimp, crawfish, or crab to obtain an additional seafood importer license, establishes fees for the licenses,, allocates license fees to the Conservation Fund and the Imported Seafood Safety Fund, and provides for the use of the fund.

Present law requires that any person buying, acquiring, or handling from any person any species of fish for sale or resale purchase a wholesale/retail seafood dealer's license. Present law requires that any person buying, acquiring, or handling from a wholesale/retail seafood dealer any species of fish for sale to consumers for personal or household use shall purchase a retail seafood dealer's license.

Proposed law retains present law.

Proposed law requires that any wholesale/retail seafood dealer and any retail seafood dealer who imports shrimp, crawfish, or crab from outside the gulf of Mexico purchase a seafood importer license in addition to the dealer license.

Proposed law provides that the fee for the seafood importer license is based on the volume of shrimp, crawfish, or crab imported as follows:

<u>Pounds of Shrimp, Crawfish, and Crab Imported</u>	<u>Fee</u>
0 to 5,000	\$500
5,001 to 20,000	\$2,000
20,001 to 40,000	\$5,200
40,001 to 60,000	\$12,000
60,001 to 80,000	\$22,000
80,001 to 100,000	\$32,000
100,001 to 500,000	\$42,000
500,001 or more	\$100,000

Proposed law specifies that the seafood importer license is valid for one calendar year from Jan. 1st to Dec. 31st and may be purchased at any time throughout the year and licenses for the following year may be purchased beginning Nov. 15th of the preceding year.

Proposed law requires that 10% of the revenue collected from the licenses be deposited in the Conservation Fund and that the remainder be deposited in the Imported Seafood Safety Fund.

Present law imposes a \$100 imported seafood safety fee on commercial seafood permit holders which is collected by the La. Dept. of Health and deposited into the Imported Seafood Safety Fund.

Proposed law repeals this fee.

Present law establishes the Imported Seafood Safety Fund and provides for deposits into the fund and authorized uses of the fund.

Proposed law removes reference to the fee being repealed by proposed law and adds that the fee under proposed law will be deposited to the fund.

Proposed law further provides that shrimp, crawfish, and crab imported by the holder of a seafood importer license created by proposed law are subject to the sampling, analysis, testing, and monitoring funded by the Imported Seafood Safety Fund.

(Amends R.S. 40:5.10.1 and R.S. 56:306(Section heading) and 306.1(Section heading); Adds R.S. 56:306(B)(8) and 306.1(B)(8); Repeals R.S. 40:31.35(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make proposed law applicable to dealers that import shrimp, crawfish, or crabs specifically, rather than to dealers that import any seafood.

The House Floor Amendments to the engrossed bill:

1. Remove a reference to fee in present law being repealed by proposed law.
2. Add monies from the seafood importer license fees under proposed law to monies deposited in and credited to the Imported Seafood Safety Fund.
3. Add seafood imported by the holder of a seafood importer license created by proposed law to seafood products subject to sampling, analysis, testing, and monitoring with funds from the Imported Seafood Safety Fund in present law.