

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Substitute for Original House Bill No. 550 by Representative Kerner as proposed by the House Committee on Natural Resources and Environment

**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To amend and reenact R.S. 40:5.5.2(B)(2), 5.5.3(A), (B)(introductory paragraph), and (H), 5.10.1(B) and 31.35(C), and to enact Part IV of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4749 through 4749.3, and R.S. 36:624(C) and 629(L)(5) and R.S. 56:306.5(B)(3), and to repeal R.S. 36:204(A)(10) and 209(D)(4), R.S.40:31.35.1, and Section 2 of Act No. 667 of the 2024 Regular Session of the Legislature, relative to commercial seafood; to transfer authority for imported seafood sampling, testing, and enforcement from the Department of Culture, Recreation and Tourism to the Department of Agriculture and Forestry; to transfer the Seafood Safety Task Force to the Department of Agriculture and Forestry; to provide for the powers of the commissioner of agriculture and forestry; to provide for penalties; to provide for reporting by processors and distributors to the Department of Agriculture and Forestry; to require dealers to submit a detailed accounting of imported seafood to the Department of Wildlife and Fisheries; to remove the authority of the Department of Culture, Recreation and Tourism and the Department of Agriculture and Forestry to promulgate rules; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40: 5.5.2(B)(2), 5.5.3(A), (B)(introductory paragraph), and (H), 5.10.1(B) and 31.35(C) are hereby amended to read as follows:

§5.5.2. Seafood safety

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B.

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(2) The state health officer, in consultation with the ~~Seafood Safety Task Force~~ Department of Agriculture and Forestry, office of the lieutenant governor, the Louisiana Seafood Promotion and Marketing Board, and the Louisiana Restaurant Association shall employ a marketing campaign that places an emphasis on highlighting the benefits of eating domestic seafood.

\* \* \*

§5.5.3. Seafood Safety Task Force; creation; purpose

A. Within the Department of ~~Culture, Recreation and Tourism~~ Agriculture and Forestry there is hereby created the Seafood Safety Task Force, hereafter referred to as "task force". The task force shall serve as the state panel of experts focused on ensuring the safety of seafood processed, distributed, purchased, and consumed in Louisiana and the education and awareness of consumers regarding the health risks associated with imported seafood, as well as making recommendations on the utilization of monies in the Imported Seafood Safety Fund to test imported seafood.

B. The task force shall be charged with making recommendations to the commissioner of agriculture and forestry on all of the following:

\* \* \*

H. The Department of ~~Culture, Recreation and Tourism~~ Agriculture and Forestry shall promulgate any rules necessary, in accordance with the Administrative Procedure Act, for implementation of the provisions of this Section.

\* \* \*

§5.10.1. Imported Seafood Safety Fund

\* \* \*

B. The monies in the fund shall be appropriated to the Department of ~~Culture, Recreation and Tourism~~ Agriculture and Forestry and expended solely for the purpose of enforcing the provisions of R.S. ~~40:31.35.1~~ 3:4749 et seq.

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§31.35. Commercial seafood permit fee

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

C. In addition to the fee provided for in Subsection A of this Section, the Louisiana Department of ~~Culture, Recreation and Tourism~~ Agriculture and Forestry shall charge and collect an annual imported seafood safety fee from each holder of a commercial seafood permit who processes or distributes imported seafood. The fee shall be three hundred dollars for the 2025 calendar year, five hundred dollars for the 2026 calendar year, seven hundred fifty dollars for the 2027 calendar year, and one thousand dollars for the 2028 calendar year and each calendar year thereafter. The proceeds of such fee shall be deposited into the Imported Seafood Safety Fund.

Section 2. Part IV of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4749 through 4749.3, is hereby enacted to read as follows:

#### PART IV. IMPORTED SEAFOOD SAFETY

##### §4749. Definitions

As used in this Part:

(1) "Commingled" means to cause to blend together, mix, or combine domestic and imported seafood.

(2) "Department" means the Louisiana Department of Agriculture and Forestry.

(3) "Distributor" means a person engaged in the purchasing, storing, shipping, and selling of seafood.

(4) "Domestic" means raised, harvested, or caught in any of the fifty states of the United States or its territories and within the federal exclusive economic zone (EEZ) and landed in the United States.

(5) "Imported" means raised, harvested, or caught outside of the federal exclusive economic zone (EEZ) or landed in a country other than the United States.

(6) "Processor" means any plant or facility that has been permitted by the Louisiana Department of Health to clean, shuck, pick, peel, or pack seafood.

(7) "Seafood" means fish and edible crustaceans, excluding domestic catfish, live crawfish, and live crabs.

##### §4749.1. Powers

A. The commissioner of agriculture shall administer and enforce the provisions of this Part and may adopt rules and regulations for this purpose. All rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.

B. The commissioner may:

(1) Employ personnel to enforce the provisions of this Part.

(2) Receive and investigate complaints regarding alleged violations of this Part and the rules and regulations adopted pursuant to the provisions of this Part.

(3) Seek and obtain injunctive or other civil relief to restrain and prevent violations of this Part, rules and regulations adopted pursuant to this Part, or orders and rulings issued by the commissioner pursuant to this Part.

(4) Institute civil proceedings to enforce his rulings or collect any penalties due under this Part.

(5) Issue a notice of noncompliance.

(6) Issue a stop order prohibiting the continued distribution and sale of the seafood product.

(a) Any violation of a stop order shall constitute a separate violation subject to a penalty not to exceed one thousand dollars for each day of violations.

(b) A stop order may be released by the commissioner upon a determination by the commissioner that the cause for issuing the stop order has been remedied.

(c) Any person aggrieved by a stop order may petition the commissioner for a hearing to contest the validity of the stop order by making a written request within five calendar days after issuance of the stop order. The hearing shall be held within ten calendar days of receipt of the written request for a hearing and shall be held in accordance with R.S. 3:4749.2(E).

(d) Based upon the results of the hearing, the commissioner may take one or more of the following actions:

(i) Release the stop order.

(ii) Require the cause for the stop order to be remedied prior to releasing the stop order.

(iii) Amend the stop order.

§4749.2. Imported seafood; testing; penalties

A. In addition to any regulations and testing required by the Louisiana Department of Health to ensure compliance with the state Sanitary Code, any processor or distributor who is required to pay the imported seafood safety fee pursuant to R.S. 40:31.35(C) shall be subject to the regulations and testing provided for in this Section.

B. Upon request of the department, the processor or distributor shall:

(1) Provide any information, if available, on whether the seafood has previously been tested in the country of origin or upon arrival in the United States.

(2) Ensure all labels affixed to the imported or commingled seafood clearly indicates that it is imported, indicates the original country of origin, and if the product is commingled, that the label clearly indicates that the seafood is a product of the identified foreign country that also includes Louisiana domestic seafood.

(3) Provide any additional information considered necessary by the department to implement the provisions of this Section.

C.(1) The department may sample, analyze, and test seafood processed or sold by an imported commercial seafood processor or distributor to ensure the chemical concentrations do not exceed the minimum standards established by the United States Food and Drug Administration.

(2) If the seafood tested exceeds the minimum standards, the department shall report the test results to the Louisiana Department of Health and the processor or distributor. The Louisiana Department of Health shall consider any seafood reported pursuant to this Subsection to be an adulterated food pursuant to R.S. 40:607.

(3) In addition to reporting the test results to the Louisiana Department of Health, the department may issue a civil penalty of not more than one thousand dollars for violations of this Subsection.

D. If the department has reason to believe a commercial seafood processor or distributor is processing or distributing imported seafood packed or labeled as

domestic seafood, the department may test the seafood to ensure the seafood is domestic. If the seafood is not domestic, the department may assess the following civil penalties on the commercial seafood processor or distributor:

(1) For a first offense, a fine of not more than one thousand dollars per violation.

(2) For a second offense, a fine of not more than two thousand five hundred dollars per violation.

(3) For a third or subsequent offense, a fine of not more than five thousand dollars per violation.

E. Civil penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held by the Louisiana Commission of Weights and Measures pursuant to R.S. 3:4605.

(1) In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing against the offender. The commissioner shall determine the amount of costs to be assessed.

(2) The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.

(3) The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Part, or of the rules and regulations adopted under the provisions of this Part, in the district court for the parish in which the violation occurred.

F. Any civil penalties collected pursuant to this Section shall be deposited into the Weights and Measures Fund provided for in R.S. 3:4622.

#### §4749.3. Processors and distributors; reporting

A. Seafood processors and distributors shall submit a quarterly report to the Department of Agriculture and Forestry that contains the amount of seafood they bought and sold in the previous quarter. An accounting by volume of the species of seafood bought and sold and the country of origin, or when possible, the state of origin for domestic seafood bought and sold, shall be included in the report. The department may also request additional information regarding the product or form

in which the seafood was bought and sold and relevant dates or other tracking data.  
The department shall maintain a database of the information contained in these reports.

B. The department shall have the authority to implement fines similar to those provided for in R.S. 3:4749.2 for processors and distributors who fail to submit the required information for two or more consecutive quarters.

Section 3. R.S. 36:624(C) and 629(L)(5) are hereby enacted to read as follows:  
§624. Powers and duties of commissioner of agriculture and forestry

\* \* \*

C. The commissioner of agriculture shall have the authority to administer a seafood program that includes the promotion and marketing of Louisiana seafood in coordination with the Louisiana Seafood Promotion and Marketing Board and regulating imported seafood to ensure health and safety, including the administration of any funds allocated or appropriated for the specific purposes of the program.

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§629. Transfer of boards, commissions, departments, and agencies to the  
Department of Agriculture and Forestry

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L. The following agencies are transferred to the Department of Agriculture and Forestry and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law:

\* \* \*

(5) The Seafood Safety Task Force (R.S. 40:5.5.3).

\* \* \*

Section 4. R.S. 56:306.5(B)(3) is hereby enacted to read as follows:  
§306.5. Records

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Present law creates the Seafood Safety Task Force within the Dept. of Culture, Recreation and Tourism.

Proposed law moves the Seafood Safety Task Force to the Dept. of Agriculture and Forestry.

Present law provides for the money for the Imported Seafood Safety Fund and the commercial seafood permit fee to go to the Dept. of Culture, Recreation and Tourism.

Proposed law transfers the provisions of present law to the Dept. of Agriculture and Forestry.

Proposed law provides for seafood safety by creating regulations and testing requirements for seafood processors and distributors with civil penalties for failure to report or for violating safety provisions of proposed law and by creating reporting requirements for processors and distributors.

Proposed law provides definitions for "commingled", "department", "distributor", "domestic", "processor", and "seafood".

Proposed law establishes powers of the commissioner of agriculture to oversee the testing and reporting requirements for seafood safety established by proposed law.

Proposed law provides authority for the commissioner of agriculture and forestry to administer a marketing program with the La. Seafood Promotion and Marketing Bd.

Proposed law provides for the Seafood Safety Task Force to be under the Dept. of Agriculture and Forestry.

Present law provides record requirements for commercial seafood submitted to the Dept. of Wildlife and Fisheries.

Proposed law adds a record requirement for a detailed accounting of all imported seafood handled the previous year to be submitted by dealers applying for an imported seafood license and for the Dept. of Wildlife and Fisheries to submit a copy to the Dept. of Agriculture and Forestry.

Present law provides for testing and regulation for imported seafood by the Dept. of Culture, Recreation and Tourism.

Proposed law repeals present law.

Present law provides for the Dept. of Culture, Recreation and Tourism and the Dept. of Agriculture and Forestry to promulgate emergency rules necessary to implement present law.

Proposed law repeals present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:5.5.2(B)(2), 5.5.3(A), (B)(intro. para.), and (H), 5.10.1(B) and 31.35(C); Adds R.S. 3:4749 - 4749.3, R.S. 36:624(C) and 629(L)(5), and R.S. 56:306.5(B)(3); Repeals R.S. 36:204(A)(10) and 209(D)(4), R.S.40:31.35.1, and Section 2 of Act No. 667 of the 2024 R.S.)