

2022 Regular Session

HOUSE BILL NO. 689

BY REPRESENTATIVE SCHAMERHORN

1 AN ACT

2 To amend and reenact R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and
3 306.5(A) and to enact R.S. 56:306.1 and 306.2(A)(2), relative to licenses; to create
4 the retail seafood dealer's license; to provide for license required to buy and sell
5 seafood; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A)
8 are hereby amended and reenacted and R.S. 56:306.1 and 306.2(A)(2) are hereby enacted
9 to read as follows:

10 §306.1. Retail seafood dealer's license; place of business; employees; retail
11 out-of-state crab shipping license

12 A. Any person buying, acquiring, or handling by any means whatsoever,
13 from a Louisiana wholesale/retail seafood dealer, any species of fish whether fresh,
14 frozen, processed, or unprocessed, that sells to the consumer for personal or
15 household use and any person who ships fish out of or within the state of Louisiana
16 to the consumer for personal or household use shall purchase a retail seafood dealer's
17 license.

18 B.(1) The license shall be in the legal name of the licensee and shall list the
19 legal mailing address and physical location of the place of business and any other
20 information required by the department. If the place of business is a vehicle, the

1 license shall state "vehicle" and shall list the legal mailing address and physical
2 location of the licensee.

3 (2)(a) This license, when issued to an individual, allows the licensee to
4 operate as a retail seafood dealer at any point within the state when that person is in
5 possession of the original license. The license is only valid for the individual for
6 whom it has been issued.

7 (b) This license, when issued to a corporation, partnership, or any other type
8 of association, is valid only for one place of business and valid only to transact
9 business for and in the name of the licensee.

10 (3) If the licensee owns or operates more than one place of business, then an
11 additional retail seafood dealer's license must be purchased for each additional place
12 of business or vehicle. The additional licenses shall be in the same name of the
13 business, list a license number which shall be different than the original license, list
14 the legal mailing address and the physical location of that place of business, and any
15 other information required by the department.

16 (4) Individual employees of retail seafood dealers are not required to obtain
17 a retail seafood dealer's license when transacting the business of the retail seafood
18 dealer on the premises of the place of business, but any employee or person buying,
19 acquiring, handling, or selling fish as a retail seafood dealer other than on the
20 premises of the place of business must obtain a valid retail seafood dealer's license.
21 When individual employees of a retail seafood dealer operate under the authority of
22 a transport license for that dealer, the retail seafood dealer licensee remains
23 responsible for all activities taking place under authority of that license.

24 (5) The provisions of this Section shall not apply to a person transporting
25 fish under the privilege of a Louisiana transport license purchased in connection with
26 a Louisiana retail seafood dealer's license when that person buys fish for or on behalf
27 of the retail seafood dealer and only transports such fish to that retail dealer.

28 (6) Restaurants and retail grocers who only purchase fish, whether fresh,
29 frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer
30 and only sell such fish fully prepared for immediate consumption by the consumer

1 §306.3. Wholesale/retail seafood dealer's license and retail seafood dealer's license;
2 license year; purchase period

3 A. A wholesale/retail seafood dealer's license ~~is~~ and a retail seafood dealer's
4 license are valid for one year, beginning on January first of each calendar year and
5 expiring on December thirty-first of the same calendar year.

6 B. A wholesale/retail seafood dealer's license and a retail seafood dealer's
7 license may be purchased at any time of the year for the current license year and
8 from November fifteenth for the immediately following license year.

9 C. The department may also authorize the purchase of a wholesale/retail
10 seafood dealer's license and a retail seafood dealer's license for a four-year period at
11 four times the cost of the annual license fee.

12 §306.4. Restrictions on buying and selling and transportation by wholesale/retail
13 seafood dealers; retail seafood dealer's license; restaurants and retail grocers

14 * * *

15 C.(1) ~~Restaurants~~ Retail seafood dealers, restaurants, and retail grocers shall
16 buy directly only from wholesale/retail seafood dealers licensed in Louisiana. When
17 a restaurant or retail grocer purchases fish from an out-of-state seller and brings the
18 fish into the state, he shall buy directly from those persons from whom he can legally
19 purchase fish in the state of purchase. When a retail seafood dealer, restaurant, or
20 retail grocer buys fish from an out-of-state seller and brings the fish into the state,
21 the restaurant or retail grocer shall be licensed in accordance with the provisions of
22 R.S. 56:306 or 306.1 and shall possess a valid transport license when bringing such
23 fish into the state.

24 * * *

25 §306.5. Records

26 A. Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and
27 retail grocers shall keep, in the English language:

28 * * *

29 Section 2. The changes to license fees contained in this Act shall be phased in by the
30 department, where starting on November 15, 2022 and for the duration of the 2023

1 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and
2 the remainder of each fee increase shall be implemented starting on November 15, 2023.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____