

2025 Regular Session

HOUSE BILL NO. 652 (Substitute for House Bill No. 550 by Representative Kerner)

BY REPRESENTATIVE KERNER

SEAFOOD: Provides for seafood safety and testing

1 AN ACT

2 To amend and reenact R.S. 40:5.5.2(B)(2), 5.5.3(A), (B)(introductory paragraph), and (H),
3 5.10.1(B) and 31.35(C), and to enact Part IV of Chapter 30 of Title 3 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4749 through 4749.3,
5 and R.S. 36:624(C) and 629(L)(5) and R.S. 56:306.5(B)(3), and to repeal R.S.
6 36:204(A)(10) and 209(D)(4), R.S.40:31.35.1, and Section 2 of Act No. 667 of the
7 2024 Regular Session of the Legislature, relative to commercial seafood; to transfer
8 authority for imported seafood sampling, testing, and enforcement from the
9 Department of Culture, Recreation and Tourism to the Department of Agriculture
10 and Forestry; to transfer the Seafood Safety Task Force to the Department of
11 Agriculture and Forestry; to provide for the powers of the commissioner of
12 agriculture and forestry; to provide for penalties; to provide for reporting by
13 processors and distributors to the Department of Agriculture and Forestry; to require
14 dealers to submit a detailed accounting of imported seafood to the Department of
15 Wildlife and Fisheries; to remove the authority of the Department of Culture,
16 Recreation and Tourism and the Department of Agriculture and Forestry to
17 promulgate rules; to provide an effective date; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 40:5.5.2(B)(2), 5.5.3(A), (B)(introductory paragraph), and (H),
20 5.10.1(B) and 31.35(C) are hereby amended and reenacted to read as follows:

§5.5.2. Seafood safety

* * *

B.

* * *

(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

* * *

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

4 * * *

5 §31.35. Commercial seafood permit fee

6 * * *

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

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

17 PART IV. IMPORTED SEAFOOD SAFETY

18 §4749. Definitions

19 As used in this Part:

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

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

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

26 (4) "Domestic" means raised, harvested, or caught in any of the fifty states
27 of the United States or its territories and within the federal exclusive economic zone
28 (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

1 five calendar days after issuance of the stop order. The hearing shall be held within
2 ten calendar days of receipt of the written request for a hearing and shall be held in
3 accordance with R.S. 3:4749.2(E).

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

6 (i) Release the stop order.

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

9 (iii) Amend the stop order.

10 §4749.2. Imported seafood; testing; penalties

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

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

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

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

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

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

1 (2) If the seafood tested exceeds the minimum standards, the department
2 shall report the test results to the Louisiana Department of Health and the processor
3 or distributor. The Louisiana Department of Health shall consider any seafood
4 reported pursuant to this Subsection to be an adulterated food pursuant to R.S.
5 40:607.

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

9 D. If the department has reason to believe a commercial seafood processor
10 or distributor is processing or distributing imported seafood packed or labeled as
11 domestic seafood, the department may test the seafood to ensure the seafood is
12 domestic. If the seafood is not domestic, the department may assess the following
13 civil penalties on the commercial seafood processor or distributor:

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

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

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

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

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

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

28 (3) The commissioner may institute civil proceedings seeking injunctive
29 relief to restrain and prevent the violation of the provisions of this Part, or of the

1 rules and regulations adopted under the provisions of this Part, in the district court
2 for the parish in which the violation occurred.

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

5 §4749.3. Processors and distributors; reporting

6 A. Seafood processors and distributors shall submit a quarterly report to the
7 Department of Agriculture and Forestry that contains the amount of seafood they
8 bought and sold in the previous quarter. An accounting by volume of the species of
9 seafood bought and sold and the country of origin, or when possible, the state of
10 origin for domestic seafood bought and sold, shall be included in the report. The
11 department may also request additional information regarding the product or form
12 in which the seafood was bought and sold and relevant dates or other tracking data.
13 The department shall maintain a database of the information contained in these
14 reports.

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

18 Section 3. R.S. 36:624(C) and 629(L)(5) are hereby enacted to read as follows:

19 §624. Powers and duties of commissioner of agriculture and forestry

20 * * *

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

26 * * *

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

29 * * *

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

4 * * *

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

6 * * *

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

8 §306.5. Records

9 * * *

10 B.

11 * * *

12 (3)(a) Beginning in January 2027, dealers applying for an imported seafood
13 license shall submit a detailed accounting to the department of all imported seafood
14 bought, acquired, or handled by the dealer for sale or resale within the state during
15 the preceding calendar year. The department may specify what information dealers
16 are required to submit regarding the imported seafood including but not limited to
17 an accounting by volume of the species; product or form in which the seafood was
18 received; relevant dates; countries of origin; vendors, distributors, and processors in
19 the supply chain or other tracking data. The department may require the information
20 to be submitted on a form provided to the dealer by the department.

21 (b) The department shall submit a copy or summary of the information
22 collected under this Paragraph to the Department of Agriculture and Forestry.

23 * * *

24 Section 5. R.S. 36:204(A)(10) and 209(D)(4), R.S. 40:31.35.1, and Section 2 of Act
25 No. 667 of the 2024 Regular Session of Legislature are hereby repealed.

26 Section 6. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 652 Original

2025 Regular Session

Kerner

Abstract: Transfers authority for imported seafood sampling, testing, and enforcement from the Dept. of Culture, Recreation and Tourism to the Dept. of Agriculture and Forestry and requires reporting and accounting by commercial seafood by processors and distributors and by dealers.

Present law provides for the Seafood Safety Task Force to work in conjunction with the state health officer, office of Lt. governor, the La. Seafood Promotion and Marketing Bd., and the La. Restaurant Assoc. to employ a marketing campaign for domestic seafood.

Proposed law replaces the Seafood Safety Task Force with the Dept. of Agriculture and Forestry.

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.)