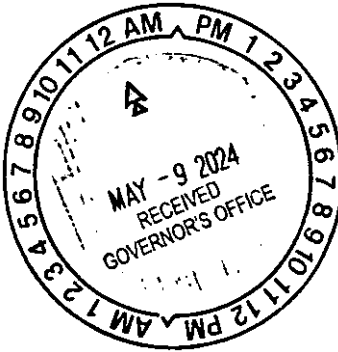




ACT #2024 - 339

- 1 HB66
- 2 FTMNDDC-3
- 3 By Representative Brown
- 4 RFD: Ports, Waterways & Intermodal Transit
- 5 First Read: 06-Feb-24
- 6 PFD: 30-Jan-24





HB66 Enrolled

1 Enrolled, An Act,

2 Relating to seafood products; to amend Sections
3 22-20A-2, 22-20A-3, 22-20A-4, and 22-20A-8, Code of Alabama
4 1975, to require certain food service establishments to notify
5 consumers of the country of origin or importation status of
6 seafood products offered for sale; to require these food
7 service establishments to differentiate between farmed-raised
8 fish and shrimp and wild fish and shrimp; to further provide
9 for the State Department of Public Health to assess civil
10 penalties for violations; and to add Section 22-20A-9 to the
11 Code of Alabama 1975, to provide certain persons and actions
12 to which these requirements do not apply.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 22-20A-2, 22-20A-3, 22-20A-4, and
15 22-20A-8, Code of Alabama 1975, are amended to read as
16 follows:

17 "§22-20A-2

18 For the purposes of this article, the following terms
19 ~~shall~~ have the following meanings, unless the context clearly
20 requires a different meaning:

21 (1) BOARD. The State Board of Health as defined in
22 Section ~~22-2-3~~ 22-2-1.

23 ~~(2) DOMESTIC. Any farm-raised fish or wild fish~~
24 ~~hatched, raised, harvested, or processed within the United~~
25 ~~States or a territory of the United States.~~

26 (2) COUNTRY OF ORIGIN. The country in which an animal,
27 from which a covered commodity is derived, is born, raised, ~~or~~
28 slaughtered, or substantially transformed. If the animal is



HB66 Enrolled

29 born, raised, ~~or~~ slaughtered, or substantially transformed in
30 different countries, the term includes each country.

31 (3) COVERED COMMODITY.

32 a. Includes all of the following:

33 1. Farmed-raised fish.

34 2. Wild fish.

35 b. The term does not include an item described in this
36 subdivision if the item is an ingredient in processed food.

37 (4) DEPARTMENT. The Alabama Department of Public
38 Health.

39 ~~(3) (5) FARM-RAISED FISH. Includes farm-raised shellfish~~
40 ~~and fillets, steaks, nuggets, and any other flesh from a~~
41 ~~farm-raised fish or shellfish and includes any product of~~
42 ~~which farm-raised fish is an ingredient.~~

43 ~~(4) (6) FOOD SERVICE ESTABLISHMENT. Any place, vehicle,~~
44 ~~or vessel where food for individual portion service is~~
45 ~~prepared, stored, held, transported, served, or dispensed to~~
46 ~~consumers and which is regulated by the department. and~~
47 ~~includes The term includes any such place regardless of~~
48 ~~whether consumption the food sold is intended for on-premises~~
49 ~~or off-premises and which is regulated by the Alabama~~
50 ~~Department of Public Health consumption. Hospitals, as defined~~
51 ~~in Section 22-21-20, shall be excluded from the requirements~~
52 ~~of this article.~~

53 ~~(5) IMPORTED. Any farm-raised fish or wild fish that~~
54 ~~was hatched, raised, harvested, or processed outside the~~
55 ~~United States or a territory of the United States.~~

56 (7) PROCESSED FOOD. A food product derived from the



HB66 Enrolled

57 combination of a covered commodity with one or more other
58 agricultural commodity so as to render the covered commodity
59 inseparable or indistinguishable from the other agricultural
60 commodity or commodities.

61 ~~(6)~~ (8) SHELLFISH. Includes crab, lobster, oyster,
62 shrimp, crayfish, clam, and scallops in the wild and any
63 farm-raised shellfish ~~and includes any product of which~~
64 ~~shellfish is an ingredient.~~

65 ~~(7)~~ (9) STATE HEALTH OFFICER: The State Health Officer
66 as defined in Section 22-2-8, or his or her designated
67 representative.

68 ~~(8)~~ (10) VERIFIED COMPLAINT. An allegation of
69 noncompliance with ~~the provisions of~~ this article that can be
70 attributed to the complainant and which is signed and verified
71 by the complainant.

72 ~~(9)~~ (11) WILD FISH. Naturally born or hatchery-raised
73 fish and shellfish harvested in the wild. The term includes ~~a~~
74 ~~fillet, steak, nugget, fillets, steaks, nuggets,~~ and any other
75 flesh from wild fish or shellfish ~~and also includes any~~
76 ~~product of which wild fish is an ingredient. Not pen~~ The term
77 does not include net-pen aquacultural or other farm-raised
78 fish are excluded from the definition or shellfish."

79 "§22-20A-3

80 (a) Any person individual or entity who supplies
81 ~~farm-raised fish or wild fish~~ a covered commodity to a food
82 service establishment shall provide ~~information of~~ the country
83 of origin of the ~~product~~ covered commodity to the food service
84 establishment ~~as required by federal law. The State Health~~



85 ~~Officer, upon verified complaint, and in compliance with all~~
86 ~~applicable state and federal law, shall investigate any and~~
87 ~~all reports of noncompliance with this subsection. Upon~~
88 ~~receipt of the verified complaint, a copy of the complaint~~
89 ~~shall be given to the food service establishment.~~

90 ~~(b) If farm raised fish or wild fish is supplied to a~~
91 ~~food service establishment and the fish or fish product is not~~
92 ~~required to be labeled with the country of origin pursuant to~~
93 ~~the requirements of federal law, the supplier of the fish or~~
94 ~~fish product or the food service establishment shall not be~~
95 ~~required to provide any additional information to comply with~~
96 ~~this article.~~

97 ~~(c) A food service establishment serving farm raised~~
98 ~~fish or wild fish shall place a disclaimer or notice on the~~
99 ~~menu or on a placard not smaller than 3 and one half inches by~~
100 ~~11 inches in close proximity to the food establishment permit,~~
101 ~~in a conspicuous place specifically stating the following:~~
102 ~~"Under Alabama law, the consumer has the right to know, upon~~
103 ~~request to the food service establishment, the country of~~
104 ~~origin of farm raised fish or wild fish." The disclaimer or~~
105 ~~notice listed on a menu shall be listed in print as large as~~
106 ~~the listing of the product.~~

107 ~~(d) For purposes of this section, the United States is~~
108 ~~the country of origin for farm raised fish hatched, raised,~~
109 ~~harvested, and processed in the United States and wild fish~~
110 ~~that were harvested in waters of the United States, a~~
111 ~~territory of the United States, or a state and processed in~~
112 ~~the United States, a territory of the United States, or a~~



113 ~~state, including the waters thereof.~~

114 (b) A food service establishment, including an in-store
115 deli, selling or providing a covered commodity that originated
116 outside of the United States for primarily off-premises
117 preparation shall provide the country of origin of the covered
118 commodity, or denote that the covered commodity is imported,
119 in letters no smaller than the same size, font, and shade as
120 the covered commodity being offered is listed, by means of a
121 label, stamp, mark, placard, or other visible sign on the
122 package, display, holding unit, or bin containing the covered
123 commodity at the final point of sale or by posting a sign
124 stating such that measures not less than eight and one half
125 inches wide by 11 inches tall and is placed not less than 36
126 inches from the floor located in a conspicuous location where
127 the covered commodity is held for offer using English letters
128 not less than one inch in size.

129 (c) (1) A food service establishment that primarily
130 prepares a covered commodity that originated outside of the
131 United States on-premises, which it sells or provides using a
132 menu as a standard business practice, shall display on all
133 menus the country of origin of the covered commodity, or
134 denote that the covered commodity is imported, in letters no
135 smaller than the same size, font, and shade as the covered
136 commodity being offered is listed, immediately adjacent to the
137 menu listing of the covered commodity being offered. In lieu
138 of this requirement, the notice may be paper-clipped to the
139 menu, with the same location, size, font, and shade
140 restrictions required when the notice is listed directly on



141 the menu or may be posted as a sign stating such that measures
142 not less than eight and one half inches wide by 11 inches tall
143 and is placed not less than 36 inches from the floor located
144 in a conspicuous location where the covered commodity is held
145 for offer using English letters not less than one inch in
146 size.

147 (2) A food service establishment that primarily
148 prepares a covered commodity that originated outside of the
149 United States on-premises and that does not use a menu as a
150 standard business practice shall display on a sign posted at
151 the main entrance to the establishment stating that certain
152 covered commodities, as applicable, being offered by the
153 establishment are imported. Each sign shall be not less than
154 eight and one half inches wide by 11 inches tall and shall be
155 written in the English language in letters not less than one
156 inch in size. The sign shall be placed in an open area and in
157 a conspicuous position not less than 36 inches from the floor
158 so that it is visible to all patrons.

159 (d) (1) A food service establishment offering
160 farm-raised fish or wild fish shall differentiate between
161 farm-raised fish and wild fish by stating such in the same
162 manner as is required by subsection (b) or (c).

163 (2) The terms "farmed-raised fish" and "wild fish" as
164 used in this subsection mean fish and shrimp only. The terms
165 does not include crab, lobster, oyster, crayfish, clam, or
166 scallops.

167 (e) The State Health Officer, upon verified complaint
168 and in compliance with all applicable state and federal laws,



169 shall investigate any and all reports of noncompliance with
170 this section. Upon receipt of the verified complaint, a copy
171 of the complaint shall be given to the retail food
172 establishment or food service establishment."

173 "§22-20A-4

174 Any covered commodity with the United States as its
175 country of origin may have labeling requirements as to
176 farm-raised fish and wild fish offered for direct retail sale
177 for human consumption by a food service establishment may
178 comply with this article by stating the country of origin in
179 lieu of the disclaimer or notice, except, that the appropriate
180 state name, ~~or~~ USA, or United States of America, including a
181 trade name or trademark, ~~may be inserted~~ listed in lieu
182 thereof to accommodate ~~similar~~ products produced in any of the
183 states or a territory of the United States of America."

184 "§22-20A-8

185 (a) Any food service establishment violating that
186 violates this article or the rules promulgated adopted
187 thereunder, after notice and a hearing, shall be subject to
188 civil penalties. The State Health Officer shall impose these
189 penalties on a graduated scale in accordance with the
190 following schedule for all violations within a 24-month
191 period:

192 (1) ~~First~~ For a first offense, a ~~written~~ written
193 warning.

194 (2) ~~Second~~ For a second offense, a fine of ~~One one~~
195 hundred dollars (\$100).

196 (3) ~~Third~~ For a third offense, a fine of ~~Two two~~



HB66 Enrolled

197 hundred fifty dollars (\$250).

198 (4) ~~Fourth~~ For a fourth offense, a fine of ~~Five five~~
199 hundred dollars (\$500).

200 (5) ~~Fifth~~ For a fifth and any subsequent offense, a
201 fine of ~~One one~~ thousand dollars (\$1,000).

202 (b) Any food service establishment ~~which~~ that
203 unknowingly violates this article due to a good faith reliance
204 upon the establishment's supplier's attestation of the covered
205 commodity's country of origin shall be held harmless against
206 penalties from ~~failure to disclose country of origin of any~~
207 product which was mislabeled by the wholesaler or distributor
208 a violation of this article.

209 (c) A food service establishment may appeal any penalty
210 assessed pursuant to this section in accordance with the
211 Alabama Administrative Procedure Act. Judicial review of a
212 final action of the department shall be pursuant to Section
213 41-22-20.

214 (d) All fines and other monies collected pursuant to
215 this section shall be distributed to the department and used
216 to implement, enforce, and administer this article.

217 (e) The State Health Officer or Attorney General may
218 file an action to collect any unpaid penalty levied pursuant
219 to this section in a court of competent jurisdiction. The
220 defendant establishment shall be liable for all costs
221 associated with the collection of any unpaid penalty."

222 Section 2. Section 22-20A-9 is added to the Code of
223 Alabama 1975, to read as follows:

224 §22-20A-9



HB66 Enrolled

225 The requirements of this article shall not apply to
226 any of the following:

227 (1) Any retailer required to inform consumers of the
228 country of origin of a covered commodity as provided in 7
229 U.S.C. §§ 1638 through 1638d, inclusive.

230 (2) A hospital as defined in Section 22-21-20.

231 (3) A group of 10 or more people that preorder their
232 food items.

233 Section 3. This act shall become effective on October
234 1, 2024.



HB66 Enrolled

[Handwritten signature]

Speaker of the House of Representatives

[Handwritten signature]

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 29-Feb-24, as amended.

John Treadwell
Clerk

Senate

08-May-24

Amended and Passed

House

09-May-24

Concurred in Senate
Amendment

APPROVED

5-10-2024

TIME

2:15 pm

[Handwritten signature]

GOVERNOR

Alabama Secretary Of State

Act Num....: 2024-339
Bill Num....: H-66

Recv'd 05/10/24 02:35pmKCW

ENGROSSED
Enrolled Bill No. 66

SPONSOR

Brown

CO-SPONSORS

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 102

YEAS 102 NAYS 0

JOHN TREADWELL, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 102 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN TREADWELL, Clerk

CONFERENCE COMMITTEE

House Conferees: _____

SENATE ACTION

AG

DATE: 3-5 2024
RD 1 RFD A-G

This Bill was referred to the Standing Committee of the Senate on AC 3 F

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub _____ by a vote of years 13 nays 0 abstain 0 this 30th day of MARCH 2024
[Signature] Chair

DATE: 3-21 2024
RF FAV AD(1) RD 2 CAL

DATE: _____ 20____

RE-REFERRED RE-COMMITTED

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, H.B. 102
YEAS 32 NAYS 0

PATRICK HARRIS,
Secretary

FURTHER SENATE ACTION (OVER)