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Chapter No. 371
13/SS01/R701
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SENATE BILL NO. 2513

Originated in Senate _____ Secretary

SENATE BILL NO. 2513

AN ACT TO AMEND SECTION 69-7-607, MISSISSIPPI CODE OF 1972, TO REQUIRE FISH PRODUCTS AS DEFINED IN THE CATFISH MARKETING LAW TO BE SUBJECT TO SAME LABELING REQUIREMENTS AS CATFISH PRODUCTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-7-607, Mississippi Code of 1972, is amended as follows:

69-7-607. (1) Notice of country of origin.

(a) General requirements:

(i) All retailers of catfish <u>and fish</u> products<u>, as defined in Section 69-7-605,</u> shall inform consumers, at the final point of sale of the catfish <u>or fish</u> to the consumers, of the country of origin of the catfish <u>or fish</u>;

(ii) United States country of origin. A retailer of catfish <u>or fish</u> products may designate the catfish <u>or fish</u> as having a United States country of origin only if:

1. In case of "Farm-raised Catfish or Farm-raised Fish," it is hatched, raised, harvested and processed in the United States;

2. In case of "River or Lake Catfish or River or Lake Fish," it is:

a. Harvested in waters of the United States, a territory of the United States or a state, including the waters thereof; and

b. Processed in the United States, a territory of the United States or a state, including the waters thereof;

(iii) Farm-raised and River or Lake Catfish, Farm-raised and River or Lake Fish. The notice of country of origin for "Farm-raised Catfish," or "Farm-raised Fish," and "River or Lake Catfish" or "River or Lake Fish" shall distinguish between "Farm-raised Catfish" and "River or Lake Catfish * * *" or "Farm-raised Fish" and "River or Lake Fish."

(b) Method of notification.

(i) Retailers.

1. The information required by paragraph (a) of subsection (1) of this section may be provided to consumers by means of a label, stamp, mark, placard or other clear and visible sign on the catfish or fish or on the package, display, holding unit or bin containing the catfish or fish at the final point of sale to consumers.

2. If the catfish or fish is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

(ii) Food service establishments. The information required by paragraph (a) of subsection (1) of this section shall be provided to the consumer on the menu of the food service establishment. For foreign or imported catfish or fish, the information shall be adjacent to the item on the menu and printed in the same font style and size as the item. If the food service establishment offers for sale only catfish or fish having a United States country of origin, then the food service establishment may generally disclose this in a prominent location in the food service establishment in lieu of disclosure on the menu. The signage disclosing the sale of catfish or fish having a United States country of origin, that is to be placed in a prominent location in the food service establishment, shall be approved * * * by the Mississippi Department of Agriculture and Commerce, which shall be held harmless in a cause of action for a retail or food service establishment's failure to disclose or fraudulent disclosure. Any liability arising from failure to disclose country of origin shall remain with the wholesaler and the retail or food service establishment.

(c) The commissioner may require that any person that prepares, stores, handles or distributes catfish or fish for

retail sale maintain a verifiable record-keeping audit trail that permits the commissioner to verify compliance with this law and any regulations promulgated hereunder.

(d) Any distributor or wholesaler engaged in the business of supplying catfish or fish to a retailer or food service establishment shall provide information to the retailer or food service establishment indicating the country of origin of the catfish or fish. The information shall include certification of origin through a state or federal agency that regulates the processing of catfish or fish or through a federal agency that verifies that catfish or fish and/or other products produced in countries other than the United States meets similar sanitation requirements.

(2) Any advertising as to any catfish or fish product shall state the information required in paragraph (a) of subsection (1) of this section.

(3) The term "catfish" shall not be used as a common name or in the label name of fish product except as provided in this section.

(4) The commissioner shall have authority to enter the premises of any wholesaler, processor, distributor, retailer or any other person selling catfish or fish products in order to determine compliance with this article.

(5) This section shall not apply to catfish or fish products exported out of the United States.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 7, 2013

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 7, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

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