

1 HB473  
2 111059-5  
3 By Representatives McCampbell, Beasley, Guin, Harper, Salaam,  
4 Fincher, Baker (L), McCutcheon, Williams, Boyd, Hammon, Ford,  
5 Newton (D), Letson, Wren, Grantland, Davis, Johnson, Martin,  
6 Thomas (J), Laird, Thigpen, Bentley, Graham, Drake, Newton  
7 (C), Canfield, Lewis, Collier, Sherer, Robinson (O), Curtis  
8 and Galliher  
9 RFD: Agriculture and Forestry  
10 First Read: 10-FEB-09

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ENROLLED, An Act,

To require notice to consumers at food service establishments of the country of origin of catfish products; and to provide for civil penalties for failure to comply with notice requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following terms shall have the following meanings, respectively, unless the context otherwise requires:

(1) BOARD. The State Board of Health as defined in Section 22-2-3, Code of Alabama 1975.

(2) CATFISH. Any species of fish classified within the family Ictaluridae.

(3) DEPARTMENT. The State Department of Public Health.

(4) FOOD SERVICE ESTABLISHMENT. Any place, vehicle, or vessel where food for individual portion service is prepared, stored, held, transported, served, or dispensed and includes any such place regardless of whether consumption is on or off premises and which is regulated by the Alabama Department of Public Health.

(5) LABEL. A legible display of written, printed, or graphic information on a placard, menu, sign, or other material that represents the product to the consumer.

1           (6) PRODUCT. Any catfish product capable of use as  
2 human food which is made wholly or in part from any catfish or  
3 portion thereof, except products which contain catfish only in  
4 small portions and which are exempt from this definition by  
5 rules of the State Board of Health.

6           Section 2. (a) A food service establishment shall  
7 not advertise or label a food item as catfish unless it is  
8 fish classified within the family of Ictaluridae.

9           (b) Any advertising of catfish or catfish products  
10 by food service establishments shall state the country of  
11 origin if the product was imported from a country other than  
12 the United States of America. The advertising required in this  
13 subdivision (b) stating the country of origin of the product  
14 shall be displayed daily when the catfish or catfish products  
15 are from a country other than the United States of America.

16           (c) No catfish product shall be offered for sale at  
17 a food service establishment unless consumers are notified of  
18 the name and country of origin of the product. A food service  
19 establishment shall comply with this requirement by listing  
20 the country of origin on the menu in the same location and in  
21 the same size font as the product being offered, or by using a  
22 sign or tabletop display identifying the country of origin of  
23 the catfish offered for sale. If a sign is used, it shall be a  
24 minimum of 93 square inches with characters at least one inch  
25 in size. The sign or a series of signs shall be posted on a

1 wall in a conspicuous location or locations in plain view of  
2 all patrons. If a tabletop display is used, it shall be at  
3 least 30 square inches and be placed on each table that is  
4 used for service.

5 Section 3. (a) Any food service establishment  
6 engaged in the sale or advertising of catfish products in  
7 violation of this act shall be subject to civil penalties. The  
8 department shall impose the following civil penalties. For  
9 violations occurring within a 24-month period:

10 (1) A warning for the first violation.

11 (2) A fine of one hundred dollars (\$100) for a  
12 second violation with 24 months.

13 (3) A fine of two hundred fifty dollars (\$250) for  
14 the third violation within 24 months.

15 (4) A fine of five hundred dollars (\$500) for the  
16 fourth violation within 24 months.

17 (5) A fine of one thousand dollars (\$1,000) for the  
18 fifth violation within 24 months and at the discretion of the  
19 department, a suspension of the food service establishment  
20 permit.

21 (b) A person may appeal the assessment of a civil  
22 penalty by requesting a hearing that shall be held in  
23 accordance with the Alabama Administrative Procedure Act.  
24 Judicial review of a final action of the department shall be  
25 pursuant to Section 41-22-20 of the Code of Alabama 1975.

1           (c) All fines and other moneys collected pursuant to  
2 this section shall be continuously appropriated to the  
3 department and used to implement and administer this act.

4           (d) If a civil penalty imposed by the department is  
5 not paid, the department, the Attorney General, or  
6 appropriately the district attorney may file an action to  
7 collect the civil penalty in a court of competent jurisdiction  
8 in the county in which the violation occurred. The food  
9 establishment shall be responsible to pay all costs associated  
10 with the collection of the civil penalty.

11           (e) Any food service establishment which unknowingly  
12 violates this act shall be held harmless against penalties  
13 from failure to disclose country of origin of any product  
14 which was mislabeled by the wholesaler or distributor.

15           (f) The board may promulgate rules as may be  
16 necessary for the implementation and enforcement of this act.

17           Section 4. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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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 05-MAY-09, as amended.

Greg Pappas  
Clerk

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Senate	14-MAY-09	Passed
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