

By: Senator(s) Hudson

To: Agriculture

SENATE BILL NO. 2513

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

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

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

8 69-7-607. (1) Notice of country of origin.

9 (a) General requirements:

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

14 (ii) United States country of origin. A retailer
15 of catfish or fish products may designate the catfish or fish as
16 having a United States country of origin only if:

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



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

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

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

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

34 (b) Method of notification.

35 (i) Retailers.

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

42 2. If the catfish or fish is already
43 individually labeled for retail sale regarding country of origin,



44 the retailer shall not be required to provide any additional
45 information to comply with this section.

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

65 (c) The commissioner may require that any person that
66 prepares, stores, handles or distributes catfish or fish for
67 retail sale maintain a verifiable record-keeping audit trail that



68 permits the commissioner to verify compliance with this law and
69 any regulations promulgated hereunder.

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

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

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

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

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



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

