

**HB66 ENGROSSED**



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



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A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§22-20A-2

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

(1) BOARD. The State Board of Health as defined in



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29 Section ~~22-2-3~~ 22-2-1.

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

33 (2) COUNTRY OF ORIGIN. The country in which an animal,  
34 from which a covered commodity is derived, is born, raised, or  
35 slaughtered. If the animal is born, raised, or slaughtered in  
36 different countries, the term includes each country.

37 (3) COVERED COMMODITY.

38 a. Includes all of the following:

39 1. Farmed-raised fish.

40 2. Wild fish.

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

43 (4) DEPARTMENT. The Alabama Department of Public  
44 Health.

45 ~~(3)~~ (5) FARM-RAISED FISH. Includes farm-raised shellfish  
46 and fillets, steaks, nuggets, and any other flesh from a  
47 farm-raised fish or shellfish ~~and includes any product of~~  
48 ~~which farm-raised fish is an ingredient.~~

49 ~~(4)~~ (6) FOOD SERVICE ESTABLISHMENT. Any place, vehicle,  
50 or vessel where food ~~for individual portion service~~ is  
51 prepared, stored, held, transported, served, or dispensed to  
52 consumers and which is regulated by the department. ~~and~~  
53 ~~includes~~ The term includes any such place regardless of  
54 whether ~~consumption~~ the food sold is intended for on-premises  
55 or off-premises ~~and which is regulated by the Alabama~~  
56 ~~Department of Public Health~~ consumption. ~~Hospitals, as defined~~



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57 ~~in Section 22-21-20, shall be excluded from the requirements~~  
58 ~~of this article.~~

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

62 (7) PROCESSED FOOD. A food product derived from the  
63 combination of a covered commodity with one or more other  
64 agricultural commodity so as to render the covered commodity  
65 inseparable or indistinguishable from the other agricultural  
66 commodity or commodities.

67 ~~(6)~~ (8) SHELLFISH. Includes crab, lobster, oyster,  
68 shrimp, crayfish, clam, and scallops in the wild and any  
69 farm-raised shellfish~~and includes any product of which~~  
70 ~~shellfish is an ingredient.~~

71 ~~(7)~~ (9) STATE HEALTH OFFICER. The State Health Officer  
72 as defined in Section 22-2-8, or his or her designated  
73 representative.

74 ~~(8)~~ (10) VERIFIED COMPLAINT. An allegation of  
75 noncompliance with~~the provisions of~~ this article that can be  
76 attributed to the complainant and which is signed and verified  
77 by the complainant.

78 ~~(9)~~ (11) WILD FISH. Naturally born or hatchery-raised  
79 fish and shellfish harvested in the wild. The term includes~~a~~  
80 ~~fillet, steak, nugget,~~ fillets, steaks, nuggets, and any other  
81 flesh from wild fish or shellfish~~and also includes any~~  
82 ~~product of which wild fish is an ingredient. Net-pen~~ The term  
83 does not include net-pen aquacultural or other farm-raised  
84 fish~~are excluded from the definition~~ or shellfish."



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85 "§22-20A-3

86 (a) Any ~~person~~ individual or entity who supplies  
87 ~~farm-raised fish or wild fish~~ a covered commodity to a food  
88 service establishment shall provide ~~information of~~ the country  
89 of origin of the ~~product~~ covered commodity to the food service  
90 establishment ~~as required by federal law. The State Health~~  
91 ~~Officer, upon verified complaint and in compliance with all~~  
92 ~~applicable state and federal law, shall investigate any and~~  
93 ~~all reports of noncompliance with this subsection. Upon~~  
94 ~~receipt of the verified complaint, a copy of the complaint~~  
95 ~~shall be given to the food service establishment.~~

96 ~~(b) If farm-raised fish or wild fish is supplied to a~~  
97 ~~food service establishment and the fish or fish product is not~~  
98 ~~required to be labeled with the country of origin pursuant to~~  
99 ~~the requirements of federal law, the supplier of the fish or~~  
100 ~~fish product or the food service establishment shall not be~~  
101 ~~required to provide any additional information to comply with~~  
102 ~~this article.~~

103 ~~(c) A food service establishment serving farm-raised~~  
104 ~~fish or wild fish shall place a disclaimer or notice on the~~  
105 ~~menu or on a placard not smaller than 8 and one half inches by~~  
106 ~~11 inches in close proximity to the food establishment permit,~~  
107 ~~in a conspicuous place specifically stating the following:~~  
108 ~~"Under Alabama law, the consumer has the right to know, upon~~  
109 ~~request to the food service establishment, the country of~~  
110 ~~origin of farm-raised fish or wild fish." The disclaimer or~~  
111 ~~notice listed on a menu shall be listed in print as large as~~  
112 ~~the listing of the product.~~



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113 ~~(d) For purposes of this section, the United States is~~  
114 ~~the country of origin for farm-raised fish hatched, raised,~~  
115 ~~harvested, and processed in the United States and wild fish~~  
116 ~~that were harvested in waters of the United States, a~~  
117 ~~territory of the United States, or a state and processed in~~  
118 ~~the United States, a territory of the United States, or a~~  
119 ~~state, including the waters thereof.~~

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

135 (c) (1) A food service establishment that primarily  
136 prepares a covered commodity that originated outside of the  
137 United States on-premises, which it sells or provides using a  
138 menu as a standard business practice, shall display on all  
139 menus the country of origin of the covered commodity, or  
140 denote that the covered commodity is imported, in letters no



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141 smaller than the same size, font, and shade as the covered  
142 commodity being offered is listed, immediately adjacent to the  
143 menu listing of the covered commodity being offered. In lieu  
144 of this requirement, the notice may be paper-clipped to the  
145 menu, with the same location, size, font, and shade  
146 restrictions required when the notice is listed directly on  
147 the menu or may be posted as a sign stating such that measures  
148 not less than eight and one half inches wide by 11 inches tall  
149 and is placed not less than 36 inches from the floor located  
150 in a conspicuous location where the covered commodity is held  
151 for offer using English letters not less than one inch in  
152 size.

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

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



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169           (2) The terms "farmed-raised fish" and "wild fish" as  
170 used in this subsection mean fish and shrimp only. The term  
171 does not include crab, lobster, oyster, crayfish, clam, or  
172 scallops.

173           (e) The State Health Officer, upon verified complaint  
174 and in compliance with all applicable state and federal laws,  
175 shall investigate any and all reports of noncompliance with  
176 this section. Upon receipt of the verified complaint, a copy  
177 of the complaint shall be given to the retail food  
178 establishment or food service establishment."

179           "§22-20A-4

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

190           "§22-20A-8

191           (a) Any food service establishment ~~violating that~~  
192 violates this article or the rules ~~promulgated~~ adopted  
193 thereunder, after notice and a hearing, shall be subject to  
194 civil penalties. The State Health Officer shall impose these  
195 penalties on a graduated scale in accordance with the  
196 following schedule for all violations within a 24-month





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197 period:

198 (1) ~~First~~ For a first offense ~~, a Written~~ written  
199 warning.

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

202 (3) ~~Third~~ For a third offense ~~, a fine of Two~~ two  
203 hundred fifty dollars (\$250).

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

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

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

215 (c) A food service establishment may appeal any penalty  
216 assessed pursuant to this section in accordance with the  
217 Alabama Administrative Procedure Act. Judicial review of a  
218 final action of the department shall be pursuant to Section  
219 41-22-20.

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

223 (e) The State Health Officer or Attorney General may  
224 file an action to collect any unpaid penalty levied pursuant



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225 to this section in a court of competent jurisdiction. The  
226 defendant establishment shall be liable for all costs  
227 associated with the collection of any unpaid penalty."

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

230 §22-20A-9

231 The requirements of this article shall not apply to  
232 either of the following:

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

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

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

239 Section 3. This act shall become effective on October  
240 1, 2024.



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## House of Representatives

Read for the first time and referred .....06-Feb-24  
to the House of Representatives  
committee on Ports, Waterways &  
Intermodal Transit  
Read for the second time and placed .....21-Feb-24  
on the calendar:  
0 amendments  
Read for the third time and passed .....29-Feb-24  
as amended  
Yeas 101  
Nays 0  
Abstains 1

John Treadwell  
Clerk