

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 866

1 AN ACT TO AMEND SECTION 69-7-605, MISSISSIPPI CODE OF 1972,
2 TO DELETE SCIENTIFIC NOMENCLATURE IN THE DEFINITION OF CATFISH;
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 69-7-605, Mississippi Code of 1972, is
6 amended as follows:

7 69-7-605. For purposes of this article, the following terms
8 shall have the meaning ascribed herein unless the context
9 otherwise requires:

10 (a) "Capable of use as human food" means and shall
11 apply to any catfish or part or product thereof unless it is
12 denatured or otherwise identified as required by regulations
13 prescribed by the commissioner to deter its use as human food, or
14 unless it is naturally inedible by humans.

15 (b) "Catfish" means any species within the family
16 Ictaluridae * * *.

17 (c) "Commissioner" means the Commissioner of
18 Agriculture and Commerce of the State of Mississippi.

19 (d) "Direct retail sale" means the sale of catfish
20 products individually or in small quantities directly to the
21 consumer.

22 (e) "Distributor" means any person offering for sale,
23 exchange or barter any catfish product destined for direct retail
24 sale in the State of Mississippi.

25 (f) "Label" means a display of written, printed or
26 graphic matter upon or affixed to the container in which a catfish
27 product is offered for direct retail sale.

28 (g) "Labeling" means all labels and other written,
29 printed or graphic matter upon a catfish product, or any of its
30 containers or wrappers, offered for direct retail sale.

31 (h) "Pay pond" means a circumscribed body of water
32 owned by a person and operated solely for recreational fishing
33 purposes on a commercial basis for profit.

34 (i) "Person" includes any individual, partnership,
35 corporation and association or other legal entity.

36 (j) "Processor" means any person engaged in handling,
37 storing, preparing, manufacturing, packing or holding catfish
38 products.

39 (k) "Producer" means any person engaged in the business
40 of harvesting catfish, by any method, intended for direct retail
41 sale.

42 (l) "Product" means any catfish product capable of use
43 as human food which is made wholly or in part from any catfish or
44 portion thereof, except products which contain catfish only in
45 small proportions or historically have not been, in the judgment
46 of the commissioner, considered by consumers as products of the
47 United States commercial catfish industry and which are exempted
48 from definition as a catfish product by the commissioner under
49 such conditions as he may prescribe to assure that the catfish or
50 portions thereof contained therein are not adulterated and that
51 such products are not represented as catfish products.

52 (m) "Product name" means the name of the catfish item
53 intended for retail sale which identifies it as to kind, class or
54 specific use.

55 (n) "Restaurant" means any person offering for sale to
56 a consumer prepared food for immediate consumption.

57 (o) "Retailer" means any person offering for sale
58 catfish products to individual consumers and representing the last
59 sale prior to human consumption except that restaurants and other
60 eating establishments are hereby excluded.

61 (p) "State Health Officer" means the State Health
62 Officer of the State Board of Health, or his designated
63 representative.

64 (q) "Wholesaler" means any person offering for sale any
65 catfish product destined for direct retail sale in the State of
66 Mississippi.

67 **SECTION 2.** This act shall take effect and be in force from
68 and after its passage.