

By: Senator(s) Hyde-Smith

To: Agriculture

SENATE BILL NO. 2608

1 AN ACT TO AMEND SECTIONS 69-7-605, 69-7-657 AND 69-7-701,
2 MISSISSIPPI CODE OF 1972, TO DELETE INCORRECT SCIENTIFIC
3 NOMENCLATURE IN THE DEFINITION OF CATFISH; TO AMEND SECTIONS
4 69-7-607, 69-7-609 AND 69-7-610, MISSISSIPPI CODE OF 1972, TO
5 DELETE REFERENCES TO OCEAN CATFISH; AND FOR RELATED PURPOSES.

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

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

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

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

17 (b) "Catfish" means any species within the family
18 Ictaluridae * * *.

19 (c) "Commissioner" means the Commissioner of
20 Agriculture and Commerce of the State of Mississippi.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 **SECTION 2.** Section 69-7-607, Mississippi Code of 1972, is
70 amended as follows:

71 69-7-607. (1) No catfish product shall be offered for
72 direct retail sale for human consumption by a processor,
73 distributor, wholesaler or retailer unless the catfish product
74 name is specifically labeled in the following manner:

75 (a) "FARM-RAISED CATFISH, A PRODUCT OF MISSISSIPPI" if
76 the product has been specifically produced in freshwater according
77 to the usual and customary techniques of commercial aquaculture;
78 except that the appropriate state name or USA or United States of
79 America may be inserted in lieu thereof to accommodate similar
80 catfish products produced in any one of the other states of the
81 United States of America.

82 (b) "RIVER OR LAKE CATFISH, A PRODUCT OF MISSISSIPPI"
83 if the product has been produced in any freshwater lake, river or
84 stream of the state, but has not been produced according to the
85 usual and customary techniques of commercial aquaculture; except
86 that the appropriate state name or USA or United States of America
87 may be inserted in lieu thereof to accommodate similar catfish
88 products produced in freshwater lakes, rivers or streams of any
89 other state in the United States of America.

90 (c) "IMPORTED CATFISH" provided the catfish is produced
91 from freshwater, either according to the usual and customary

92 techniques of, aquaculture, or from freshwater lakes, rivers or
93 streams of a country other than the United States of America.

94 * * *

95 (2) Any person selling river or lake catfish exclusively and
96 directly to the consumer may have on his premises a sign
97 reasonably visible to the consumer identifying such product as
98 river or lake catfish, rather than labeling each individual
99 container or package of catfish product, as provided in this
100 section.

101 (3) Any retailer selling catfish products not wrapped or in
102 a container may comply with this article by placing a sign on the
103 display case or refrigeration unit reasonably visible to the
104 consumer, giving notice that such catfish is either "Farm-raised
105 Catfish," "River or Lake Catfish" or "Imported Catfish" * * * as
106 such products are defined in this section.

107 (4) Any advertising as to any catfish product shall state
108 whether such catfish product is "Farm-raised Catfish," "River or
109 Lake Catfish" or "Imported Catfish" * * * as defined in this
110 section.

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

114 (6) This section shall not apply to catfish products
115 exported out of the United States.

116 **SECTION 3.** Section 69-7-609, Mississippi Code of 1972, is
117 amended as follows:

118 69-7-609. All distributors, processors or wholesalers of
119 catfish products, distributing or selling catfish products, shall
120 provide information to each person, firm or corporation to whom
121 they distribute or sell catfish products for resale as to whether
122 such catfish product is "Farm-raised Catfish," "River or Lake
123 Catfish" or "Imported Catfish" * * * as such terms are defined in
124 subsection (1) of Section 69-7-607.

125 **SECTION 4.** Section 69-7-610, Mississippi Code of 1972, is
126 amended as follows:

127 69-7-610. All distributors, processors or wholesalers of
128 catfish or other fish products, distributing or selling catfish or
129 other fish products, shall provide information to the commissioner
130 or his representative, upon request, and to each retailer to which
131 such distributor, processor or wholesaler distributes or sells
132 catfish or other fish products as to whether such product is Farm-
133 raised Catfish, River or Lake Catfish, Imported Catfish, or Other
134 Fish a Product of (country of origin) * * *. In addition, any
135 wholesaler or distributor shall provide his sales and purchases
136 records of catfish and other fish upon request by the
137 commissioner. Other fish includes those fish in the taxonomic
138 family of Siluridae, Clariidae and Pangasiidae.

139 **SECTION 5.** Section 69-7-657, Mississippi Code of 1972, is
140 amended as follows:

141 69-7-657. For purposes of this article, the following terms
142 shall have the meaning ascribed herein unless the context
143 otherwise requires:

144 (a) "Capable of use as human food" shall mean and shall
145 apply to any catfish or part or product thereof unless it is
146 denatured or otherwise identified as required by regulations
147 prescribed by the commissioner to deter its use as human food, or
148 unless it is naturally inedible by humans.

149 (b) "Cash sale" shall mean a sale in which the seller
150 does not expressly extend credit to the buyer.

151 (c) "Catfish" shall mean any species of the scientific
152 order, Siluriformes * * *.

153 (d) "Commissioner" shall mean the Commissioner of
154 Agriculture and Commerce of the State of Mississippi.

155 (e) "Direct retail sale" shall mean the sale of catfish
156 products directly to the consumer.

157 (f) "Person" shall include any individual, partnership,
158 corporation and association or other legal entity.

159 (g) "Processor" shall mean any person engaged in
160 handling, storing, preparing, manufacturing, packing or holding
161 catfish products.

162 (h) "Producer" shall mean any person engaged in the
163 business of producing catfish, by any method.

164 (i) "Product" shall mean any catfish product capable of
165 use as human food which is made wholly or in part from any catfish
166 or portion thereof.

167 (j) "Secured party" shall mean a lender who has a
168 perfected security interest pursuant to the Uniform Commercial
169 Code in the catfish being sold.

170 **SECTION 6.** Section 69-7-701, Mississippi Code of 1972, is
171 amended as follows:

172 69-7-701. (1) For purposes of this section, the following
173 terms shall have the meaning ascribed herein unless the context
174 otherwise requires:

175 (a) "Catfish" means any species of the scientific order
176 Siluriformes * * *.

177 (b) "Processor" means any person engaged in handling,
178 storing, preparing, manufacturing, packing or holding catfish
179 products.

180 (2) When making a weight determination of farm-raised
181 catfish, the processor shall weigh the catfish as they are
182 unloaded from the live haul truck and shall drain any water from
183 the weighing baskets before the catfish are weighed. No
184 deductions shall be made thereafter for water in the weighing
185 baskets. The processor shall also use a weighing device that is
186 of a type suitable for the weighing of farm-raised catfish and
187 subject to the provisions of Section 75-27-19, Mississippi Code of
188 1972.

189 (3) Such weighing device shall electronically print a ticket
190 which provides an exact duplicate of the weight indicated. A copy
191 of this ticket shall be furnished to the owner of the catfish.
192 Such ticket shall also include, but is not limited to, the
193 following:

194 (a) The name and address of the processor;

195 (b) The name of the owner of the catfish being weighed;

196 (c) The date the catfish is weighed;

197 (d) The signature of the individual who weighs the
198 farm-raised catfish recorded on the weight ticket;

199 (e) The device should print zero (0) before each
200 weighing; and

201 (f) Such additional information as the Commissioner of
202 Agriculture and Commerce deems necessary for the lawful and
203 accurate recording of the weight of farm-raised catfish.

204 (4) Deductions for trash fish, turtles and other foreign
205 materials shall be determined by a separate electronic weighing of
206 the same with a printed ticket provided to the producer.

207 **SECTION 7.** This act shall take effect and be in force from
208 and after its passage.