

By: Representative Eaton

To: Agriculture

HOUSE BILL NO. 617

1 AN ACT TO AMEND SECTIONS 69-7-657 AND 69-7-701, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE DEFINITION OF "CATFISH" TO MEAN ANY
3 SPECIES WITHIN THE FAMILY ICTALURIDAE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 69-7-657, Mississippi Code of 1972, is
6 amended as follows:

7 69-7-657. 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" shall mean 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) "Cash sale" shall mean a sale in which the seller
16 does not expressly extend credit to the buyer.

17 (c) "Catfish" shall mean any species within the family
18 Ictaluridae.

19 (d) "Commissioner" shall mean the
20 Commissioner of Agriculture and Commerce of the State of
21 Mississippi.

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

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

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

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

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

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

36 **SECTION 2.** Section 69-7-701, Mississippi Code of 1972, is
37 amended as follows:

38 69-7-701. (1) For purposes of this section, the following
39 terms shall have the meaning ascribed herein unless the context
40 otherwise requires:

41 (a) "Catfish" means any species within the family
42 Ictaluridae.

43 (b) "Processor" means any person engaged in handling,
44 storing, preparing, manufacturing, packing or holding catfish
45 products.

46 (2) When making a weight determination of farm-raised
47 catfish, the processor shall weigh the catfish as they are
48 unloaded from the live haul truck and shall drain any water from
49 the weighing baskets before the catfish are weighed. No
50 deductions shall be made thereafter for water in the weighing
51 baskets. The processor shall also use a weighing device that is
52 of a type suitable for the weighing of farm-raised catfish and
53 subject to the provisions of Section 75-27-19, Mississippi Code of
54 1972.

55 (3) Such weighing device shall electronically print a ticket
56 which provides an exact duplicate of the weight indicated. A copy
57 of this ticket shall be furnished to the owner of the catfish.
58 Such ticket shall also include, but is not limited to, the
59 following:

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

61 (b) The name of the owner of the catfish being weighed;
62 (c) The date the catfish is weighed;
63 (d) The signature of the individual who weighs the
64 farm-raised catfish recorded on the weight ticket;
65 (e) The device should print zero (0) before each
66 weighing; and
67 (f) Such additional information as the Commissioner of
68 Agriculture and Commerce deems necessary for the lawful and
69 accurate recording of the weight of farm-raised catfish.
70 (4) Deductions for trash fish, turtles and other foreign
71 materials shall be determined by a separate electronic weighing of
72 the same with a printed ticket provided to the producer.
73 **SECTION 3.** This act shall take effect and be in force from
74 and after July 1, 2005.