

By: Representative McLean

To: Agriculture

## HOUSE BILL NO. 1586

1       AN ACT TO REQUIRE RETAILERS AND RETAIL FOOD SERVICE  
2 ESTABLISHMENTS TO LABEL AND DISCLOSE THE COUNTRY OF ORIGIN OF  
3 FARM-RAISED AND WILD FISH PRODUCTS SOLD FOR HUMAN CONSUMPTION; TO  
4 DEFINE TERMS RELATED TO COUNTRY OF ORIGIN LABELING; TO SPECIFY  
5 LABELING REQUIREMENTS AND SIGNAGE FOR IMPORTED FISH PRODUCTS; TO  
6 AUTHORIZE THE STATE HEALTH OFFICER TO INVESTIGATE COMPLAINTS OF  
7 NONCOMPLIANCE; TO ESTABLISH CIVIL PENALTIES FOR VIOLATIONS; TO  
8 AUTHORIZE RULEMAKING AND ENFORCEMENT BY THE STATE BOARD OF HEALTH;  
9 TO PROVIDE EXCEPTIONS FOR CERTAIN RETAILERS AND SITUATIONS; AND  
10 FOR RELATED PURPOSES.

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

12       SECTION 1. The Legislature hereby finds and declares the  
13 consumer's right to know the source or origin of a food product  
14 for human consumption is paramount and essential to the health,  
15 safety, and well-being of the people of this state and nation.  
16 Providing notice to the public of whether farm-raised fish and  
17 wild fish are imported or domestic is compelling.

18       SECTION 2. For the purposes of this act, the following terms  
19 have the meanings ascribed herein, unless the context of use  
20 clearly requires a different meaning:

21           (a) "Board" means the State Board of Health pursuant to  
22 Section 41-3-1.1, et seq.



23 (b) "Country of origin" means the country in which an  
24 animal, from which a covered commodity is derived, born, raised,  
25 slaughtered, or substantially transformed. If the animal is born,  
26 raised, slaughtered, or substantially transformed in different  
27 countries, the term includes each country.

28 (c) "Covered commodity" means all farmed-raised fish  
29 and wild fish. The term does not include an item described in  
30 this subsection if the item is an ingredient in processed food,  
31 the term does not include catfish as defined in Section 69-7-605.

32 (d) "Department" means the State Department of Health.

33 (e) "Farm-raised fish" means farm-raised fish and  
34 shellfish, and includes a fillet, steak, nugget and any other  
35 flesh from a farm-raised fish or shellfish. The term farm-raised  
36 fish shall not include catfish as defined in Section 69-7-605.

37 (f) "Label" means a display of written, printed or  
38 graphic matter upon or affixed to the container in which a  
39 farm-raised fish or wild fish product is offered for direct retail  
40 sale.

41 (g) "Labeling" means all labels and other written,  
42 printed or graphic matter upon a farm-raised fish or wild fish  
43 product, or any of its containers or wrappers, offered for direct  
44 retail sale.

45 (h) "Processed food" means a food product derived from  
46 the combination of a covered commodity with one or more other  
47 agricultural commodity so as to render the covered commodity

48 inseparable or indistinguishable from the other agricultural  
49 commodity or commodities.

50 (i) "Retail food service establishment" means any  
51 restaurant, cafeteria, lunch room, food stand, saloon, tavern,  
52 bar, lounge, vehicle, or vessel where food is prepared, stored,  
53 held, transported, served, or dispensed to the ultimate consumers  
54 and is intended for on-premises or off-premises consumption, which  
55 is regulated by the department. Such food or food products may be  
56 exposed to varying degrees of preparation and may often need  
57 further preparation or processing after it has been purchased. A  
58 retail food establishment does not include:

59 (i) An establishment that offers only prepackaged  
60 foods that are not potentially hazardous;

61 (ii) A produce stand that only offers whole, uncut  
62 fresh fruits and vegetables;

63 (iii) A food processing plant;

64 (iv) A food establishment as defined by the  
65 Mississippi State Department of Health;

66 (v) A micro market; and

67 (vi) A vending machine.

68 (j) "Retailer" means any person offering for sale  
69 farm-raised fish or wild fish products to individual consumers and  
70 representing the last sale prior to human consumption and includes  
71 food service establishments unless otherwise stated herein.

72 (k) "Shellfish" includes crab, lobster, oyster, shrimp,  
73 crayfish, clam and scallops in the wild and any farm-raised  
74 shellfish.

78 (m) "Verified complaint" means an allegation of  
79 noncompliance with this act that can be attributed to the  
80 complainant and which is signed and verified by the complainant.

87        **SECTION 3.** (1) Any individual or entity who supplies a  
88        covered commodity to a retailer or retail food service  
89        establishment shall provide the country of origin of the covered  
90        commodity to the retailer or retail food service establishment.

97     font, and shade as the covered commodity being offered is listed,  
98     by means of a label, stamp, mark, placard, or other visible sign  
99     on the package, display, holding unit, or bin containing the  
100    covered commodity at the final point of sale or by posting a sign  
101    stating such that measures not less than eight and one-half  
102    (8-1/2) inches wide by eleven (11) inches tall and is placed not  
103    less than thirty-six (36) inches from the floor located in a  
104    conspicuous location at the final point of sale to the consumers,  
105    where the covered commodity is held for offer using English  
106    letters not less than one (1) inch in size.

107       (3)   (a)   A retailer that offers for sale or retail food  
108    service establishment that primarily prepares a covered commodity  
109    that originated outside of the United States on-premises, which it  
110    sells or provides using a menu as a standard business practice,  
111    shall display on all menus the country of origin of the covered  
112    commodity, or denote that the covered commodity is imported, in  
113    letters no smaller than the same size, font, and shade as the  
114    covered commodity being offered is listed, immediately adjacent to  
115    the menu listing of the covered commodity being offered. In lieu  
116    of this requirement, the notice may be paper-clipped to the menu,  
117    with the same location, size, font, and shade restrictions  
118    required when the notice is listed directly on the menu or may be  
119    posted as a sign stating such that measures not less than eight  
120    and one-half (8-1/2) inches wide by eleven (11) inches tall and is  
121    placed not less than thirty-six (36) inches from the floor located



122 in a conspicuous location at the final point of sale to the  
123 consumers, where the covered commodity is held for offer using  
124 English letters not less than one (1) inch in size.

125 (b) A retailer that offers for sale or retail food  
126 service establishment that primarily prepares a covered commodity  
127 that originated outside of the United States on-premises and that  
128 does not use a menu as a standard business practice shall display  
129 on a sign posted at the main entrance to the establishment stating  
130 that certain covered commodities, as applicable, being offered by  
131 the establishment are imported. Each sign shall be not less than  
132 eight and one-half (8-1/2) inches wide by eleven (11) inches tall  
133 and shall be written in the English language in letters not less  
134 than one (1) inch in size. The sign shall be placed in an open  
135 area and in a conspicuous position not less than thirty-six (36)  
136 inches from the floor so that it is visible to all patrons at the  
137 final point of sale to the consumers.

138 (4) (a) A retailer or retail food service establishment  
139 offering farm-raised fish or wild fish shall differentiate between  
140 farm-raised fish and wild fish by stating such in the same manner  
141 as is required by subsections (2) or (3).

142 (b) The terms "farmed-raised fish" and "wild fish" as  
143 used in this subsection mean fish and shrimp only. The terms do  
144 not include crab, lobster, oyster, crayfish, clam or scallops.

145 (5) (a) The information required by this section may be  
146 provided to consumers by means of a label, stamp, mark, placard or



147 other clear and visible sign on the covered commodity or on the  
148 package, display, holding unit or bin containing the covered  
149 commodity at the final point of sale to consumers.

150 (b) If the covered commodity is already individually  
151 labeled for retail sale regarding country of origin, the retailer  
152 shall not be required to provide any additional information to  
153 comply with this section.

154 (6) The State Health Officer, upon verified complaint and in  
155 compliance with all applicable state and federal laws, shall  
156 investigate all reports of noncompliance with this section. Upon  
157 receipt of the verified complaint, a copy of the complaint shall  
158 be given to the retailer or retail food establishment or food  
159 service establishment.

160 **SECTION 4.** Any covered commodity with the United States as  
161 its country of origin may have the appropriate state name, USA, or  
162 United States of America, including a trade name or trademark,  
163 listed in lieu thereof to accommodate products produced in any of  
164 the states or a territory of the United States of America.

165 **SECTION 5.** (1) The board shall promulgate rules as may be  
166 necessary for the enforcement of this act, such rules to be  
167 promulgated according to the Mississippi Administrative Procedures  
168 Law.

169 (2) The board may cooperate with and enter into agreements  
170 with governmental agencies of this state or agencies of the  
171 federal government in order to carry out the purpose of this act.



172           **SECTION 6.** The State Health Officer may apply for and the  
173 court may grant a temporary restraining order or permanent  
174 injunction restraining any person from violating or continuing to  
175 violate any of the provisions of this act or any rule promulgated  
176 under this act, notwithstanding the existence of other remedies at  
177 law. The injunction shall be issued without bond in the county  
178 where the violation occurred.

179           **SECTION 7.** (1) Any retailer or retail food service  
180 establishment that violates this act or the rules adopted  
181 thereunder, after notice and a hearing, shall be subject to civil  
182 penalties. The State Health Officer shall impose these penalties  
183 on a graduated scale in accordance with the following schedule for  
184 all violations within a twenty-four-month period:

185                   (a) For a first offense, a written warning;  
186                   (b) For a second offense, a fine of One Hundred Dollars  
187                   (\$100.00);

188                   (c) For a third offense, a fine of Two Hundred Fifty  
189                   Dollars (\$250.00);

190                   (d) For a fourth offense, a fine of Five Hundred  
191                   Dollars (\$500.00); and

192                   (e) For a fifth and any subsequent offense, a fine of  
193                   One Thousand Dollars (\$1,000.00).

194                   (2) Any retailer or retail food service establishment that  
195                   unknowingly violates this act due to a good faith reliance upon  
196                   the establishment's supplier's attestation of the covered



197 commodity's country of origin shall be held harmless against  
198 penalties for a violation of this act.

199 (3) (a) A retailer or retail food service establishment may  
200 appeal any penalty assessed pursuant to this section in accordance  
201 with the Mississippi Administrative Procedures Law.

202 (b) Either the retailer or retail food service  
203 establishment or the department may appeal the decision of the  
204 board to the circuit court of the county where the retailer or  
205 retail food service establishment is located, or if the owner or  
206 registered agent of the retail food service establishment is a  
207 nonresident of the State of Mississippi, to the Circuit Court of  
208 the First Judicial District of Hinds County, Mississippi. The  
209 appellant has the obligation of having the record transcribed and  
210 filed with the circuit court. The appeal shall otherwise be  
211 governed by all applicable laws and rules affecting appeals to the  
212 circuit court. If no appeal is perfected within the required  
213 time, the decision of the board shall then become final.

214 (c) The decision of the circuit court may then be  
215 appealed by either party to the Mississippi Supreme Court in  
216 accordance with the existing laws and rules affecting such  
217 appeals.

218 (4) All fines and other monies collected pursuant to this  
219 section shall be distributed to the department and used to  
220 implement, enforce, and administer this act.

221 (5) The State Health Officer or Attorney General may file an  
222 action to collect any unpaid penalty levied pursuant to this  
223 section in a court of competent jurisdiction. The defendant  
224 establishment shall be liable for all costs associated with the  
225 collection of any unpaid penalty.

226        **SECTION 8.** The requirements of this act shall not apply to  
227 any of the following:

228 (a) Any retailer required to inform consumers of the  
229 country of origin of a covered commodity as provided in 7 USC  
230 Section 1638 through 1638d, inclusive;

231 (b) Any retailer required to inform consumer of the  
232 country of origin of catfish as required under Section 69-7-607,  
233 of the "Mississippi Catfish Marketing Law of 1975";

234 (c) A hospital as defined in Section 41-9-3; and

235 (d) A group of ten (10) or more people that preorder  
236 their food items.

237       **SECTION 9.** This act shall take effect and be in force from  
238       and after July 1, 2025.

