

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



inseparable or indistinguishable from the other agricultural commodity or commodities.

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

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

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

(iii) A food processing plant;

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

(v) A micro market; and

(vi) A vending machine.

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



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

(l) "State Health Officer" means the State Health Officer as defined in Section 41-3-5.1, or his or her designated representative.

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

(n) "Wild fish" means naturally born or hatchery-raised fish and shellfish harvested in the wild. The term includes fillets, steaks, nuggets, and any other flesh from wild fish or shellfish. The term does not include net-pen aquacultural or other farm-raised fish or shellfish or other farm-raised fish or catfish as defined in Section 69-7-605.

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

(2) A retailer or retail food service establishment, including an in-store deli, selling or providing a covered commodity that originated outside of the United States for primarily off-premises preparation shall provide the country of origin of the covered commodity, or denote that the covered commodity is imported, in letters no smaller than the same size,



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



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

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

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

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

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

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



SECTION 6.

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

SECTION 7.

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

(a) For a first offense, a written warning;

(b) For a second offense, a fine of One Hundred Dollars (\$100.00);

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

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

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

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



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

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

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

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

(4) All fines and other monies collected pursuant to this section shall be distributed to the department and used to 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.

