

By: Senator(s) Gollott

To: Public Health and Welfare

SENATE BILL NO. 2721

1 AN ACT TO PROVIDE THAT FARM-RAISED AND WILD SHELLFISH USED
2 FOR HUMAN CONSUMPTION BE LABELED TO SHOW COUNTRY OF ORIGIN; TO
3 DEFINE CERTAIN TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS OF
4 LABELING REQUIREMENTS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The Legislature finds and declares that the
7 consumer's right to know the source or origin of shellfish
8 products for human consumption is paramount and essential to the
9 health, safety, and well-being of the people of this state.
10 Providing notice to the public of the country of origin of
11 farm-raised and wild shellfish is compelling.

12 **SECTION 2.** For purposes of this article, the following terms
13 shall have the meaning ascribed herein unless the context
14 otherwise requires:

15 (a) "Commissioner" means the Commissioner of
16 Agriculture and Commerce of the State of Mississippi.

17 (b) "Direct retail sale" means the sale of shellfish
18 directly to the consumer.

19 (c) "Distributor" means any person offering for sale,
20 exchange or barter any shellfish destined for direct retail sale
21 in the State of Mississippi.

22 (d) "Label" means a display of written, printed or
23 graphic matter upon or affixed to the container in which shellfish
24 is offered for direct retail sale.

25 (e) "Labeling" means all labels and other written,
26 printed or graphic matter upon a shellfish product, or any of its
27 containers or wrappers, offered for direct retail sale.

28 (f) "Person" includes any individual, partnership,
29 corporation and association or other legal entity.

30 (g) "Processor" means any person engaged in handling,
31 storing, preparing, manufacturing, packing or holding shellfish .

32 (h) "Retailer" means any person offering for sale
33 shellfish to individual consumers and representing the last sale
34 prior to human consumption except that restaurants and other
35 eating establishments are hereby excluded.

36 (i) "Shellfish" means crab, lobster, oyster, shrimp,
37 clam and scallops in the wild and farm-raised.

38 (j) "Wholesaler" means any person offering for sale any
39 shellfish destined for direct retail sale in the State of
40 Mississippi.

41 **SECTION 3.** (1) No farm-raised or wild shellfish shall be
42 offered for direct retail sale for human consumption by a
43 processor, distributor or retailer unless the shellfish is
44 specifically labeled to inform consumers at the final point of
45 sale of the country of origin of the shellfish.

46 (2) For purposes of this section, the United States is the
47 country of origin for farm-raised shellfish hatched, raised,
48 harvested and processed in the United States and wild shellfish
49 that were harvested in the waters of the United States, a state or
50 territory of the United States and processed in a state or
51 territory of the United States.

52 (3) The commissioner may promulgate rules and regulations as
53 may be necessary for the enforcement of this act.

54 **SECTION 4.** All distributors, processors or wholesalers of
55 shellfish, distributing or selling shellfish, shall provide
56 information to each person, firm or corporation to whom they
57 distribute or sell shellfish for resale as to the country of
58 origin of such shellfish.

59 **SECTION 5.** (1) Any person who violates any provision of
60 this article for which no other penalty is provided by this

61 article shall upon conviction be subject to a fine of not more
62 than Five Hundred Dollars (\$500.00).

63 (2) The commissioner may apply for and the court may grant a
64 temporary or permanent injunction restraining any person from
65 violating or continuing to violate any of the provisions of this
66 article or any rule or regulation promulgated under this article,
67 notwithstanding the existence of other remedies at law. The
68 injunction shall be issued without bond.

69 (3) It shall be the duty of each prosecuting attorney to
70 whom any violation is reported to cause appropriate proceeding to
71 be instituted and prosecuted in a court of competent jurisdiction
72 without delay.

73 **SECTION 6.** This act shall take effect and be in force from
74 and after July 1, 2005.