

By: Senator(s) Walley, Hyde-Smith, Lee
(47th), Cuevas, Gollott

To: Public Health and
Welfare

SENATE BILL NO. 2722

1 AN ACT TO PROVIDE THAT FARM-RAISED AND WILD SHRIMP USED FOR
2 HUMAN CONSUMPTION BE LABELED TO SHOW COUNTRY OF ORIGIN; TO DEFINE
3 CERTAIN TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS OF LABELING
4 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 shrimp products
8 for human consumption is paramount and essential to the health,
9 safety, and well-being of the people of this state. Providing
10 notice to the public of the country of origin of farm-raised and
11 wild shrimp 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 shrimp
18 directly to the consumer.

19 (c) "Distributor" means any person offering for sale,
20 exchange or barter any shrimp destined for direct retail sale in
21 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 shrimp is
24 offered for direct retail sale.

25 (e) "Labeling" means all labels and other written,
26 printed or graphic matter upon shrimp, or any of its containers or
27 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 shrimp.

32 (h) "Retailer" means any person offering for sale
33 shrimp 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) "Shrimp" includes shrimp in the wild and
37 farm-raised.

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

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

46 (2) For purposes of this section, the United States is the
47 country of origin for farm-raised shrimp hatched, raised,
48 harvested and processed in the United States and wild shrimp that
49 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 shrimp, distributing or selling shrimp, shall provide information
56 to each person, firm or corporation to whom they distribute or
57 sell shrimp for resale as to the country of origin of such shrimp.

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

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

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

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

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