

By: Representatives Anderson (122nd),
Felsher

To: Marine Resources

HOUSE BILL NO. 602
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 69-1-55, MISSISSIPPI CODE OF 1972, TO
2 EXPAND THE COUNTRY OF ORIGIN LABELING LAW FOR CRAWFISH AND SHRIMP
3 TO MAKE IT APPLICABLE TO CRAWFISH AND SEAFOOD, WHICH MEANS
4 SALTWATER FINFISH, CRUSTACEANS, MOLLUSCAN SHELLFISH AND OTHER
5 FORMS OF SALTWATER AQUATIC ANIMAL LIFE WHERE SUCH AQUATIC ANIMAL
6 LIFE IS INTENDED FOR HUMAN CONSUMPTION; TO DEFINE CERTAIN TERMS;
7 TO PROVIDE THE DESIGNATIONS THAT MUST BE PROVIDED ON ANY CRAWFISH
8 OR SEAFOOD LABEL, MENU, SALES DISPLAY OR OTHER ADVERTISEMENT; TO
9 REQUIRE SUPPLIERS OF CRAWFISH AND SEAFOOD TO MAINTAIN CERTAIN
10 RECORDS; TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE AND
11 COMMERCE AND THE DEPARTMENT OF MARINE RESOURCES SHALL HAVE
12 COLLECTIVE REGULATORY AUTHORITY OVER THE CRAWFISH AND SEAFOOD
13 LABELS; TO PROVIDE PENALTIES FOR VIOLATING THE CRAWFISH AND
14 SEAFOOD COUNTRY OF ORIGIN LABELING REQUIREMENTS; TO ESTABLISH AND
15 EMPOWER THE MISSISSIPPI SEAFOOD MARKETING TASK FORCE TO STUDY AND
16 MAKE RECOMMENDATIONS REGARDING SEAFOOD MARKETING AND SEAFOOD
17 PRODUCTION IN THE WATERS OF MISSISSIPPI; TO PROVIDE FOR THE
18 COMPOSITION OF THE TASK FORCE; TO PROVIDE FOR THE ORGANIZATION OF
19 THE TASK FORCE; TO PROVIDE FOR A REPORT WITH RECOMMENDATIONS; AND
20 FOR RELATED PURPOSES.

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

22 **SECTION 1.** Section 69-1-55, Mississippi Code of 1972, is
23 amended as follows:

24 69-1-55. (1) * * * It shall be unlawful for any person,
25 firm or corporation, within this state who is a wholesaler,
26 processor, retailer, or food service establishment that sells
27 imported crawfish or * * * seafood to misrepresent to the public,



either verbally, on a menu, or on a sign displayed on the premises, that the imported crawfish or * * * seafood is domestic.

(2) For purposes of this section, the following words and phrases shall have the meanings as defined herein unless the context clearly indicates otherwise:

(a) "Collective agencies" means the Mississippi Department of Agriculture and Commerce and the Mississippi Department of Marine Resources.

(b) "Country of origin" means the country where a seafood or crawfish is derived, hatched, born, raised, harvested and processed. If the seafood or crawfish is derived, hatched, born, raised, harvested or processed in different countries, the term includes each country.

(c) "Food service establishment" means any place, vehicle or vessel where food is prepared, stored, held, transported, served or dispensed to consumers and which is regulated by the collective agencies. The term includes any such place regardless of whether the food sold is intended for on-premises or off-premises consumption.

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

(e) "Menu" means any listing of food and/or beverage options for a diner or customer to select from regardless of its form.



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

(g) "Processor" means any person or entity engaged in handling, storing, preparing, manufacturing, packing or holding seafood or crawfish products.

(h) "Retailer" means any person or entity offering for sale seafood or crawfish products to food service establishments and to individual consumers. Retailer includes food service establishments unless otherwise stated herein.

(i) "Seafood" means saltwater finfish, crustaceans, molluscan shellfish and other forms of saltwater aquatic animal life where such aquatic animal life is intended for human consumption. The term seafood shall not include catfish as defined in Section 69-7-605.

(j) "Wholesaler" means any person or entity offering for sale any seafood or crawfish product destined for direct retail sale.

(* * *3) A * * * wholesaler, processor, retailer or food service establishment * * * shall designate a * * * seafood or crawfish as having * * * one (1) of the following * * * designations:

* * *

(* * *a) "Domestic" if the * * * seafood or crawfish is harvested, hatched or raised in the waters of the United States, a state or a territory of the United States and processed



in the United States, a state or a territory of the United States * * *; or

(b) "Imported" if the seafood or crawfish is harvested in waters outside of the territorial waters of the United States, a state or a territory outside of the territorial waters of the United States, or is hatched, raised, harvested and/or processed outside of the United States. If any imported seafood or crawfish product is added to or mixed with domestic product, the seafood or crawfish must then be classified as "imported" product.

(4) If the seafood or crawfish originated in a foreign country outside of the territorial waters of the United States, the wholesaler, processor, retailer or food service establishment shall identify the product as "imported" on the label, menu, sales display or any other form of advertisement, in a font that is at least the same size as the name of the seafood or crawfish being sold or promoted. The seafood or crawfish served or provided shall be what is advertised or sold.

(5) If a wholesaler, processor, retailer or food service establishment offers for sale only domestic seafood, then the wholesaler, processor, retailer or food service establishment may disclose this in a prominent location on the premises. In the case of a food service establishment, this disclosure may be in lieu of disclosure on the menu.

(6) Any individual or entity who supplies seafood or crawfish to a wholesaler, processor, retailer or food service



103 establishment shall maintain a verifiable record-keeping audit
104 trail that permits the collective agencies to verify compliance
105 with this law and any regulations promulgated hereunder. The
106 supplier shall provide documentation to the wholesaler, processor,
107 retailer or food service establishment indicating the country of
108 origin of the seafood or crawfish.

109 (* * *7) (a) The * * * collective agencies shall regulate
110 * * * wholesalers, processors, retailers and food service
111 establishments under this section.

112 (b) * * * The collective agencies shall adopt rules and
113 regulations in accordance with the Administrative Procedures Act
114 as are necessary to enforce the provisions of this section.

115 (c) The collective agencies shall have authority to
116 enter the premises of any wholesaler, processor, retailer or food
117 service establishment to collect samples of seafood or crawfish
118 for laboratory testing to test for species identification and/or
119 any other testing as may be necessary to determine compliance with
120 this section.

121 (* * *8) * * * (a) Any wholesaler, processor, retailer or
122 food service establishment, who violates or fails or refuses to
123 comply with any provision of this chapter or regulation adopted
124 pursuant to this chapter in relation to seafood or crawfish, may
125 be subject to civil penalties to be assessed and levied by the
126 collective agencies after a finding by the collective agencies
127 that a violation has occurred. Violations pertaining to different



types of seafood or crawfish may be charged as separate
violations. Any subsequent violations charged after a three (3)
day written notice has been provided may be processed as a new
violation and a new three (3) day notice period shall not be
required. In addition to assessing civil penalties, the
collective agencies may suspend or revoke licenses which are
subject to their jurisdiction, for any operation which is subject
to the maximum penalty of Ten Thousand Dollars (\$10,000.00).
Appeals of any action or decision to the collective agencies may
be taken as provided in Section 49-15-401 et seq. for complaints
relating to seafood and as provided in Section 69-7-616 for
complaints relating to crawfish.

(b) Civil penalties shall be assessed as follows:

(i) First Violation. The wholesaler, processor,
retailer or food service establishment shall be notified in
writing and given three (3) days to correct the violation. No
penalties under this act shall apply to any wholesaler, processor,
retailer or food service establishment that corrects the first
violation within three (3) days from the date of notification.
Failure to correct the violation within three (3) days shall
result in a violation with a fine in the amount of not less than
Five Hundred Dollars (\$500.00) or more than One Thousand Dollars
(\$1,000.00); and



151 (ii) Second Violation. Not less than One Thousand
152 Dollars (\$1,000.00) or more than Two Thousand Dollars (\$2,000.00);
153 and

154 (iii) Third Violation. Not less than Three
155 Thousand Dollars (\$3,000.00) or more than Five Thousand Dollars
156 (\$5,000.00); and

157 (iv) Fourth and Subsequent Violations. Not less
158 than Ten Thousand Dollars (\$10,000.00).

159 (c) Any wholesaler, processor, retailer or food service
160 establishment that knowingly violates any provision of this
161 chapter, rule or regulation, shall be guilty of a misdemeanor and
162 upon conviction, may be subject to a fine of not more than Ten
163 Thousand Dollars (\$10,000.00), or by imprisonment in the county
164 jail for not more than six (6) months, or by both.

165 (d) Any wholesaler, processor, retailer or food service
166 establishment that unknowingly violates this section due to a good
167 faith reliance upon the supplier's documentation of the seafood or
168 crawfish's country of origin shall be held harmless against
169 penalties from a violation of this section.

170 (e) Any good faith reliance claim must be supported by
171 the appropriate evidence of the documentation from the supplier.

172 (f) Any person against whom a complaint is made or who
173 has been made subject to a fine or license suspension as provided
174 by this subsection may avail himself of a due process
175 administrative hearing as provided by Section 69-7-616 for



176 complaints related to crawfish and Section 49-15-401 et seq. for
177 complaints related to seafood.

178 (g) All fines and other monies collected pursuant to
179 violations related to seafood under this section shall be
180 distributed to the Mississippi Department of Marine Resources and
181 deposited into the Seafood Fund for promotion of the domestic
182 seafood market and implementation, enforcement and administration
183 of this section. Fines and monies collected pursuant to
184 violations related to crawfish under this section shall be
185 distributed to the Mississippi Department of Agriculture and
186 Commerce for implementation, enforcement and administration of
187 this section.

188 **SECTION 2.** (1) For purposes of this section:

189 (a) "Seafood" means shrimp, crawfish, saltwater
190 finfish, crustaceans, molluscan shellfish and other forms of
191 saltwater aquatic animal life where such aquatic animal life is
192 intended for human consumption. The term seafood shall not
193 include catfish as defined in Section 69-7-605.

194 (b) "Label" means a display of written, printed or
195 graphic matter upon or affixed to the container in which a seafood
196 product is offered for direct retail sale.

197 (2) (a) There is hereby established the Mississippi Seafood
198 Marketing Task Force to study and make recommendations to the
199 Legislature and the Mississippi Department of Marine Resources and
200 the Mississippi Department of Agriculture and Commerce regarding



the regulation of seafood marketing and seafood testing, for the maximization of benefit from that industry for the State of Mississippi and its citizens.

(b) The Task Force shall be composed as follows:

(i) The Governor or his designee;

(ii) The Executive Director of the Mississippi Department of Marine Resources or his designee;

(iii) The Commissioner of Agriculture and Commerce or his designee;

(iv) The Executive Director of the Mississippi Gaming Commission or his designee;

(v) A representative of the Mississippi Restaurant Association;

(vi) The Director of the Division of Tourism or his designee;

(vii) A person with a valid commercial fisherman's license appointed by the Governor; and

(viii) A person who is an active shrimp or seafood processor appointed by the Governor.

(c) The Task Force shall meet upon the call of the Executive Director of the Department of Marine Resources not later than thirty (30) days after passage of this act, and organize for business by electing a Chairman and Secretary, and adopting necessary bylaws. The Department of Marine Resources shall provide necessary administrative and clerical support for the Task



Force. The Task Force may hold meetings and hold public hearings as necessary to carry out its duties and responsibilities.

(d) The Task Force is hereby charged with responsibility for the following:

(i) To study and make recommendations with respect to domestic and imported seafood;

(ii) To study and make recommendations with respect to the seafood industry and seafood production;

(iii) To study and make recommendations with respect to markets and marketing strategies for the development and expansion of markets for seafood harvested from Mississippi waters; and

(iv) To perform any acts deemed necessary and proper to carry out its duties and responsibilities.

(e) The activities of the Mississippi Seafood Marketing Task Force shall be funded through any funds made available by appropriation of the Legislature.

(f) The Task Force shall develop and make a report with recommendations for necessary legislation to the Governor, Legislature and affected state agencies on or before January 1, 2027, and on the completion of its report, the Task Force shall stand dissolved.

SECTION 3. This act shall take effect and be in force from and after July 1, 2025.

