

2021 Regular Session

HOUSE BILL NO. 317

BY REPRESENTATIVE KERNER

FEES/LICENSES/PERMITS: Establishes a fee to support testing and monitoring for harmful substances in imported seafood

1 AN ACT

2 To amend and reenact R.S. 40:31.35(C) and to enact R.S. 40:5.10.1, relative to financing of  
3 certain services of the office of public health of the Louisiana Department of Health  
4 pertaining to food safety; to authorize the Louisiana Department of Health to charge  
5 and collect from certain commercial seafood permit holders an imported seafood  
6 safety fee; to establish the amount of the fee; to create the Imported Seafood Safety  
7 Fund as a special treasury fund; to provide for the deposit, use, and investment of  
8 monies in the fund; to require appropriation of monies in the fund to the office of  
9 public health for certain purposes; to provide for duties of the state health officer  
10 with respect to sampling, analysis, testing, and monitoring of imported seafood; and  
11 to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 40:31.35(C) is hereby amended and reenacted and R.S. 40:5.10.1 is  
14 hereby enacted to read as follows:

15 §5.10.1. Imported Seafood Safety Fund

16 A. There is hereby created in the state treasury a special fund designated as  
17 the Imported Seafood Safety Fund, referred to hereafter in this Section as the "fund".

18 After allocation of money to the Bond Security and Redemption Fund as provided  
19 in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall  
20 deposit in and credit to the fund monies collected pursuant to R.S. 40:31.35(C).

1 Monies in the fund shall be invested in the same manner as monies in the state  
2 general fund. Interest earned on investment of monies shall be deposited in and  
3 credited to the fund. Unexpended and unencumbered monies in the fund shall  
4 remain in the fund. Monies in the fund shall be appropriated to the office of public  
5 health of the Louisiana Department of Health and used exclusively as provided in  
6 this Section.

7 B. The monies in the fund shall be appropriated and expended solely for the  
8 purpose of sampling, analysis, testing, and monitoring of raw seafood products of  
9 foreign origin that are imported into Louisiana and stored on the premises of any  
10 business holding a commercial seafood permit issued pursuant to R.S. 40:31.35. The  
11 office of public health of the Louisiana Department of Health shall directly  
12 administer or contract for such sampling, analysis, testing, and monitoring functions.  
13 The office of public health shall employ such functions to detect in imported seafood  
14 products the presence of substances that are harmful to human health. The state  
15 health officer shall determine the specific types of such sampling, analysis, testing,  
16 and monitoring functions to be implemented as well as the frequency and scope of  
17 these activities, all of which he may modify based upon the availability of funding  
18 for these purposes.

19 \* \* \*

20 §31.35. Commercial seafood permit fee

21 \* \* \*

22 C. ~~The fees in this Section shall replace the seafood fees promulgated by the~~  
23 ~~department in the June 20, 1989, Louisiana Register.~~ The department shall charge  
24 and collect an imported seafood safety fee of one hundred dollars annually from each  
25 holder of a commercial seafood permit fee who sells imported seafood. The  
26 proceeds of such fee shall be used for the purposes described in R.S. 40:5.10.1.

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 317 Engrossed

2021 Regular Session

Kerner

**Abstract:** Establishes the Imported Seafood Safety Fund and an annual fee to support testing and monitoring for harmful substances in imported seafood to be conducted by the La. Department of Health.

Present law requires the La. Department of Health (LDH) to charge and collect an annual commercial seafood permit fee from each seafood distributor and processing plant in amounts specified in present law.

Proposed law retains present law and requires LDH to charge and collect an annual imported seafood safety fee of \$100 from each holder of a commercial seafood permit fee who sells imported seafood. Provides that the proceeds of the fee shall be used for the purposes described in proposed law.

Proposed law creates the Imported Seafood Safety Fund as a special fund in the state treasury. Provides that the proceeds of the imported seafood safety fee established by proposed law shall be deposited into the Imported Seafood Safety Fund, referred to hereafter as the "fund".

Proposed law requires that the monies in the fund be appropriated and expended solely for the purpose of sampling, analysis, testing, and monitoring of raw seafood products of foreign origin that are imported into this state and stored on the premises of any commercial seafood permit holder. Requires that LDH directly administer or contract for such sampling, analysis, testing, and monitoring functions.

Proposed law requires LDH to employ sampling, analysis, testing, and monitoring to detect in imported seafood products the presence of substances that are harmful to human health. Provides that the state health officer of the LDH office of public health shall determine the specific types of sampling, analysis, testing, and monitoring functions to be implemented as well as the frequency and scope of these activities. Authorizes the state health officer to modify the frequency and scope of such activities based upon the availability of funding to support the activities.

(Amends R.S. 40:31.35(C); Adds R.S. 40:5.10.1)