

2023 Regular Session

HOUSE BILL NO. 528

BY REPRESENTATIVE CORMIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WILDLIFE/ENFORCEMENT: Increases penalties for violations of shrimp and crawfish labeling requirements in food service establishments

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AN ACT

To amend and reenact R.S. 56:578.14(B) and to enact R.S. 40:5.5.4(C)(1) and (2) and R.S. 56:578.14(C) and (D), relative to seafood labeling; to provide for additional civil fines and penalties for violations of seafood labeling requirements; to provide for enforcement and collection of civil penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.5.4(C)(1) and (2) are hereby enacted to read as follows:

§5.5.4. Imported crawfish and shrimp; notice to patrons of food service establishments required

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(1) In addition to any penalties contained in the state sanitary code, any person who violates the provisions of this Section shall be subject to the following civil penalties:

(a) For a first violation, a person shall be subject to a fine of not more than one thousand dollars.

(b) For a second violation, a person shall be subject to a fine of not more than two thousand dollars.

1 D. The Louisiana Department of Wildlife and Fisheries is authorized to
2 enforce and collect the civil penalties provided for this Section, including filing civil
3 action to recover fines. Such action may be by adjudicatory hearing held in
4 accordance with the Administrative Procedure Act and R.S. 56:32.1 in the regional
5 office for the parish where the food service establishment is located or where the
6 violation occurred. The defendant may waive the adjudicatory hearing upon
7 payment of the fine. Any civil penalty, court costs, and attorney fees recovered by
8 the Department of Wildlife and Fisheries through the enforcement of this Section
9 shall be immediately deposited into the Conservation Fund of the Department of
10 Wildlife and Fisheries.

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 528 Original

2023 Regular Session

Cormier

Abstract: Increases civil penalties for food service establishments that do not give the required notice to patrons that crawfish or shrimp being served is imported.

Present law provides requirements for restaurants to inform patrons if they are serving imported shrimp or crawfish, and provides that a violation of this requirement is a violation of the sanitary code.

Proposed law adds the following fines and consequences for a violation of the present law requirement:

- (1) A fine of up to \$1,000 for a first violation.
- (2) A fine of up to \$2,000 for a second violation.
- (3) A fine of up to \$5,000 for any subsequent violation, and the department shall suspend the license for the food service establishment until the violation has been corrected.

Present law prohibits restaurants that serve imported crawfish or shrimp from misrepresenting to the public that they are domestic and further provides for the following penalties:

- (1) A fine of up to \$50 for a first violation.
- (2) A fine of up to \$250 for a second violation.
- (3) A fine of up to \$500 for any subsequent violation, and the department shall suspend the license for the food service establishment until the violation has been corrected.

Proposed law removes the penalties and the district attorney's jurisdiction over present law violations. Additionally, provides that failure to follow present law requirement to provide notice to patrons that imported shrimp and crawfish are being served constitutes a misrepresentation to the public under present law prohibition against serving imported shrimp and representing that they are domestic. Further provides the following civil penalties:

- (1) A fine of up to \$1,000 for a first violation.
- (2) A fine of up to \$2,000 for a second violation.
- (3) A fine of up to \$5,000 for any subsequent violation.

Proposed law authorizes the La. Dept. of Wildlife and Fisheries to enforce the provisions of proposed law through civil action and through administrative proceedings in accordance with present law, and that any monies received must be deposited into the Conservation Fund.

(Amends R.S. 56:578.14(B); Adds R.S. 40:5.5.4(C)(1) and (2) and R.S. 56:578.14(C) and (D))