

2023 Regular Session

SENATE BILL NO. 161

BY SENATOR LAMBERT

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

PUBLIC HEALTH. Provides for the Louisiana Small Wild Catfish Processor's Act. (8/1/23)

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AN ACT

To enact R.S. 40:4.9.1, relative to preparation of seafood for direct sale to the consuming public; to provide for the Louisiana Small Wild Catfish Processor's Act; to provide for the preparation of wild catfish to be sold directly to the consumer; to provide for exceptions to the state Sanitary Code; to provide for minimum preparation safety requirements; to provide for a sales limitation; to provide for labeling; to provide for collection of tax; to provide for licensure as a wholesale/retail seafood dealer or a fresh products vendor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4.9.1 is hereby enacted to read as follows:

§4.9.1. Louisiana Small Wild Catfish Processor's Act; preparation for direct sale to the consuming public

A.(1)(a) No provision of the state Sanitary Code or any provision of any other law or regulation that requires any equipment, design, construction, utensils, supplies, preparation, or services shall apply to the preparation of wild catfish for direct sale to the consuming public. This Section shall not be construed to allow the sale or distribution of any unwholesome food.

1 **(b) The provisions of Subparagraph (a) of this Paragraph shall not apply**
2 **to any preparer of wild catfish who employs any individual to assist in the**
3 **preparation of the wild catfish for sale.**

4 **(2) Notwithstanding any provision of law to the contrary, all equipment**
5 **used or connected in any way with the manufacture or other processing,**
6 **handling, packing, or storing of any wild catfish prepared for direct sale to the**
7 **consuming public pursuant to this Section shall comply with the following:**

8 **(a) Be maintained in a clean and sanitary manner, be free from cracks**
9 **and, wherever possible, be composed of noncorroding metal or other smooth,**
10 **impervious material giving an easily cleanable surface. Stationary or not readily**
11 **movable equipment shall be so installed as to provide for easy cleaning.**

12 **(b) Refrigeration shall be provided so that all processed wild catfish shall**
13 **be maintained at an appropriate temperature.**

14 **(c) All barrels, boxes, tubs, pails, or other receptacles used for holding**
15 **the processed wild catfish shall be kept clean and sanitary and shall be so**
16 **constructed as to be easily cleanable.**

17 **(d) All food contact surfaces shall be cleaned and sanitized after each**
18 **day's production.**

19 **B. No individual who prepares wild catfish for direct sale to the**
20 **consuming public pursuant to this Section shall sell more than four hundred**
21 **pounds of wild catfish per month.**

22 **C. No individual who prepares wild catfish for direct sale to the**
23 **consuming public pursuant to this Section shall sell the processed wild catfish**
24 **to any retail business or individual for resale.**

25 **D.(1) Any individual who prepares wild catfish for direct sale to the**
26 **consuming public pursuant to this Section shall affix to any processed wild**
27 **catfish offered for sale a label which clearly indicates that the food was not**
28 **produced in a licensed or regulated facility.**

29 **(2) No individual who prepares wild catfish for direct sale to the**

1 consuming public pursuant to this Section shall sell the processed wild catfish
 2 unless he is registered to collect any local sales and use taxes that are applicable
 3 to the sale of the seafood, as evidenced by a current sales tax certificate issued
 4 to the seller by the sales and use tax collector for the parish in which the sales
 5 occur.

6 E. No individual who prepares wild catfish for direct sale to the
 7 consuming public pursuant to this Section shall sell the processed wild catfish
 8 unless he holds a wholesale/retail seafood dealer's license pursuant to R.S.
 9 56:306 or a fresh products license pursuant to R.S. 56:303.1.1.

10 F. This Section shall be known and may be cited as the "Louisiana Small
 11 Wild Catfish Processor's Act".

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler McCloud.

DIGEST

SB 161 Engrossed

2023 Regular Session

Lambert

Present law known commonly as the cottage food law exempts home-based preparers of certain foods for sale from present law and present administrative rule relative to preparation of food for public consumption if the preparer's gross annual sales of such foods are less than \$20,000 and certain other conditions are met. Proposed law retains present law and creates the Louisiana Small Wild Catfish Processor's Act, which provides an exemption for the preparation of wild catfish for direct sale to the consuming public.

Proposed law does not apply if any individual is employed to assist in the preparation of the wild catfish for sale. Proposed law further provides for restrictions, conditions, and requirements applicable to the preparation of wild catfish for direct sale to the consuming public.

Proposed law provides that no individual who prepares wild catfish for direct sale to the consuming public pursuant to proposed law shall sell more than 400 pounds of wild catfish per month or sell the processed wild catfish to any retail business or individual for resale.

Proposed law provides for labeling requirements, tax collection requirements, and licensure requirements.

Effective August 1, 2023.

(Adds R.S. 40:4.9.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Delete provisions relative to equipment too large to permit washing in sinks.

2. Change the licensure option from a retail seafood dealer's license to a fresh products license.
3. Make technical changes.