

SENATE BILL NO. 161

BY SENATOR LAMBERT

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

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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.

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

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

(a) Be maintained in a clean and sanitary manner, be free from cracks

1 and, wherever possible, be composed of noncorroding metal or other smooth,
2 impervious material giving an easily cleanable surface. Stationary or not readily
3 movable equipment shall be so installed as to provide for easy cleaning.

4 (i) All barrels, boxes, tubs, pails, or other receptacles used for holding the
5 processed wild catfish shall be kept clean and sanitary and shall be so
6 constructed as to be easily cleanable.

7 (ii) All food contact surfaces shall be cleaned and sanitized after each
8 day's production.

9 (b) If appropriate, be refrigerated so that all processed wild catfish shall
10 be maintained at an appropriate temperature.

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

14 C. No individual who prepares wild catfish for direct sale to the
15 consuming public pursuant to this Section shall sell the processed wild catfish
16 to any retail business or individual for resale.

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

21 (2) No individual who prepares wild catfish for direct sale to the
22 consuming public pursuant to this Section shall sell the processed wild catfish
23 unless he is registered to collect any local sales and use taxes that are applicable
24 to the sale of the seafood, as evidenced by a current sales tax certificate issued
25 to the seller by the sales and use tax collector for the parish in which the sales
26 occur.

27 E. No individual who prepares wild catfish for direct sale to the
28 consuming public pursuant to this Section shall sell the processed wild catfish
29 unless he holds a wholesale/retail seafood dealer's license pursuant to R.S.
30 56:306 or a fresh products license pursuant to R.S. 56:303.1.1.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____