

Regular Session, 2014

SENATE BILL NO. 344

BY SENATOR ALLAIN AND REPRESENTATIVE STUART BISHOP

FISH/FISHING. Provides for the Louisiana Catch and Cook Program within the Department of Wildlife and Fisheries. (8/1/14)

1 AN ACT

2 To enact R.S. 56:317, relative to fishing; to establish the Louisiana Catch and Cook Program
3 within the Department of Wildlife and Fisheries; to allow retail food establishments
4 to prepare certain recreational fish; to provide for the promulgation of rules; to
5 provide penalties, terms, conditions, and requirements; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:317 is hereby enacted to read as follows:

9 **§317. Louisiana Catch and Cook Program; preparation of recreational fish in**
10 **retail food establishments**

11 **A. Notwithstanding any provision of the state Sanitary Code or any other**
12 **law or regulation to the contrary, it shall be lawful for retail food establishments**
13 **to receive and prepare any freshwater or saltwater recreational fish as defined**
14 **in R.S. 56:8.**

15 **B.(1) The secretary of the Department of Wildlife and Fisheries is hereby**
16 **authorized to establish the Louisiana Catch and Cook Program, whereby a**
17 **retail food establishment shall be authorized to prepare any fish legally taken**

1 by a licensed recreational fisherman.

2 (2) The program shall be established through the promulgation and
3 adoption of rules and regulations in conjunction with the Department of Health
4 and Hospitals and in accordance with the Administrative Procedure Act. Such
5 rules and regulations shall include but are not limited to the following which
6 shall be enforced by Department of Health and Hospitals, office of public
7 health:

8 (a) The retail food establishment shall complete, date, and have the
9 recreational fisherman who brings the fish in for preparation sign an
10 assumption of risk form. The completed, dated, and signed form shall be
11 maintained at the establishment for a period of no less than ninety days. The
12 establishment shall provide the completed forms to the state health officer upon
13 request.

14 (b) The retail food establishment shall only receive fish that have been
15 cleaned, filleted, placed in clean, food-grade, single-service packaging, and
16 properly refrigerated.

17 (c) The retail food establishment shall inspect the fish for freshness and
18 proper receiving temperature.

19 (d) The fish shall be properly labeled with the date, time, and name of
20 the recreational fisherman.

21 (e) The retail food establishment shall store, prepare, and otherwise
22 handle the fish separately from products being prepared for and served to the
23 general public.

24 (f) The retail food establishment shall store, prepare, and otherwise
25 handle the fish in compliance with provisions of the state Sanitary Code.

26 (g) The retail food establishment shall prepare and serve the fish to the
27 recreational fisherman or any person at his table within four hours of receipt
28 of the fish.

29 (h) Containers, preparation tables, cutting boards, utensils, and other

1 **food preparation equipment used to prepare and serve the fish shall be properly**
 2 **cleaned and sanitized in accordance with provisions of the state Sanitary Code**
 3 **prior to use preparing foods to serve to the general public.**

4 **(i) The fish shall be served directly to the recreational fisherman or any**
 5 **person at his table immediately upon the completion of cooking and shall not**
 6 **be served to the general public.**

7 **C. Any retail food establishment who wishes to participate in the**
 8 **Louisiana Catch and Cook Program shall apply to the Department of Wildlife**
 9 **and Fisheries to be issued a participation permit by the department. There shall**
 10 **be no fee for the application process or permit. The permit may be suspended**
 11 **or revoked by the department for any violation of the rules and regulations of**
 12 **this program. The Department of Wildlife and Fisheries shall provide the**
 13 **names and locations of each participating retail food establishment to the**
 14 **Department of Health and Hospitals, office of public health upon request.**

The original instrument was prepared by McHenry Lee. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Allain (SB 344)

Proposed law authorizes retail food establishments to receive and prepare any freshwater or saltwater recreational fish.

Proposed law creates the Louisiana Catch and Cook Program within the DWF and authorizes the secretary, in conjunction with DHH, to promulgate rules and regulations for the program. Provides certain content and requirements of the rules.

Proposed law requires the DWF to issue permits for retail food establishments who wish to participate in the program.

Proposed law prohibits any fee for the application process or permit.

Proposed law provides that the permit may be suspended or revoked by the DWF for any violation of the rules and regulations of the program.

Proposed law requires the DWF to provide names and locations of participating retail food establishments to DHH, office of public health upon request.

Effective August 1, 2014

(Adds R.S. 56:317)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes the term "restaurant" to "retail food establishment".
2. Provides for the promulgation of rules, in conjunction with DHH, and the contents of the rules.
3. Requires the DWF to provide names and locations of participating retail food establishments to DHH, office of public health upon request.
4. Makes technical changes.