

2020 Second Extraordinary Session

SENATE BILL NO. 16

BY SENATOR LAMBERT

FISH/FISHING. Provides for the fresh products license. (See CA3s19) (Item #32)

1 AN ACT

2 To amend and reenact R.S. 56:303(A)(2), 303.1.1(A), 306.1(A), 306.4(C)(1), and 303.7(A),
3 relative to commercial fishing licensing; to provide for the fresh products license; to
4 provide for terms, conditions, limitations, and restrictions; to provide for buying,
5 selling, and transporting seafood; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:303(A)(2), 303.1.1(A), 306.1(A), 306.4(C)(1), and 303.7(A) are
8 hereby amended and reenacted to read as follows:

9 §303. Commercial fisherman's license; charter boat fishing guide's license
10 certification; fees; place of purchase; information

11 A.

12 * * *

13 (2) A commercial fisherman selling his catch directly to a consumer or to a
14 retail seafood dealer shall possess a fresh products license as provided in R.S.
15 56:303.1.1. In addition, a commercial fisherman selling his catch to anyone other
16 than a consumer, to a retail seafood dealer, or a licensed Louisiana wholesale/retail
17 seafood dealer must possess a wholesale/retail seafood dealer's license as provided

1 in R.S. 56:306, et seq.

2 * * *

3 §303.1.1. Fresh products license

4 A. A commercial fisherman selling his catch directly to a consumer or to a
5 retail seafood dealer within the state of Louisiana shall possess a fresh products
6 license.

7 * * *

8 §306.1. Retail seafood dealer's license; place of business; employees; retail
9 out-of-state crab shipping license

10 A. Any person buying, acquiring, or handling by any means whatsoever, from
11 a Louisiana wholesale/retail seafood dealer or a commercial fisherman possessing
12 a fresh products license, any species of fish whether fresh, frozen, processed, or
13 unprocessed, that sells to the consumer for personal or household use and any person
14 who ships fish out of or within the state of Louisiana to the consumer for personal
15 or household use shall purchase a retail seafood dealer's license.

16 * * *

17 §306.4. Restrictions on buying and selling and transportation by
18 wholesale/retail seafood dealers, retail seafood dealer's
19 license; restaurants and retail grocers

20 * * *

21 C.(1) Retail seafood dealers, ~~restaurants,~~ shall buy directly only from
22 wholesale/retail seafood dealers licensed in Louisiana or commercial fishermen
23 possessing a fresh products license. Restaurants and retail grocers shall buy
24 directly only from wholesale/retail seafood dealers licensed in Louisiana. When a
25 retail seafood dealer, restaurant, or retail grocer purchases fish from an out-of-state
26 seller and brings the fish into the state, he shall buy directly from those persons from
27 whom he can legally purchase fish in the state of purchase. When a restaurant or
28 retail grocer buys fish from an out-of-state seller and brings the fish into the state,
29 the restaurant or retail grocer shall be licensed in accordance with the provisions of

1 R.S. 56:306 or 306.1 and shall possess a valid transport license when bringing such
2 fish into the state.

3 * * *

4 §303.7. Transport and sale of the catch

5 A. The holder of a commercial fisherman's license may transport and sell his
6 own catch to any licensed Louisiana wholesale/retail seafood dealer located within
7 the state of Louisiana. The holder of a commercial fisherman's license may transport
8 and sell his own catch to a consumer **or a retail seafood dealer** only within the state
9 and only when in possession of a fresh products license as provided in R.S.
10 56:303.1.1. However, if he purchases fish for resale or transports his catch out of the
11 state of Louisiana, or if he sells fish to a ~~retail seafood dealer~~, restaurant; or retail
12 grocer, he becomes a wholesale/retail seafood dealer and must obtain a
13 wholesale/retail seafood dealer's license and is governed by the laws, rules, and
14 regulations concerning wholesale/retail seafood dealers.

15 * * *

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

DIGEST

SB 16 Original

2020 Second Extraordinary Session

Lambert

Present law provides for a fresh products license that authorizes a commercial fisherman to sell his catch directly to a consumer within the state. Present law requires commercial fishermen to hold a wholesale/retail dealer's license if the fisherman purchases fish for resale or transports his catch out of the state or sells his catch to retail seafood dealers, restaurants, or retail grocers.

Proposed law adds the authority of a commercial fisherman holding a fresh products license to sell his catch directly to a retail seafood dealer within the state while removing the requirement of holding a wholesale/retail dealer's license for such sales.

Proposed law authorizes the holder of a commercial fisherman's license to transport and sell his own catch to any licensed wholesale/retail seafood dealer located within the state. Proposed law retains present law.

Present law requires the purchase of a retail seafood dealer's license by any person buying, acquiring, or handling, from a Louisiana wholesale/retail seafood dealer any species of fish whether fresh, frozen, processed, or unprocessed, that sells to the consumer for personal or household use and by any person who ships fish out of or within the state to the consumer for personal or household use.

Proposed law adds the authority of a holder of a retail seafood dealer's license to purchase

directly from commercial fishermen possessing a fresh products license.

Present law requires restaurants and retail grocers to buy directly only from wholesale/retail seafood dealers licensed in Louisiana. Proposed law retains present law.

Present law requires retail seafood dealers, restaurants, or retail grocers that purchases fish from an out-of-state seller and brings the fish into the state, to only buy directly from those persons from whom the retail seafood dealer, restaurant, or retail grocer can legally purchase fish in the state of purchase. Proposed law retains present law.

Present law requires a restaurant or retail grocer to be licensed in accordance to present law and possess a valid transport license to buy fish from an out-of-state seller and bring the fish into the state. Proposed law retains present law.

Effective on the 60th day after final adjournment.

(R.S. 56:303(A)(2), 303.1.1(A), 306.1(A), 306.4(C)(1), and 303.7(A))