

2022 Regular Session

HOUSE BILL NO. 689

BY REPRESENTATIVE SCHAMERHORN

WILDLIFE & FISHERIES DEP: Provides for the retail seafood dealer's license

1 AN ACT

2 To amend and reenact R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and
3 306.5(A) and to enact R.S. 56:306.1 and 306.2(A)(2), relative to licenses; to create
4 the retail seafood dealer's license; to provide for license required to buy and sell
5 seafood; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A)
8 are hereby amended and reenacted and R.S. 56:306.1 and 306.2(A)(2) are hereby enacted
9 to read as follows:

10 §306.1. Retail seafood dealer's license; place of business; employees; retail
11 out-of-state crab shipping license

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

18 B.(1) The license shall be in the legal name of the licensee and shall list the
19 legal mailing address and physical location of the place of business and any other
20 information required by the department. If the place of business is a vehicle, the

1 license shall state "vehicle" and shall list the legal mailing address and physical
2 location of the licensee.

3 (2)(a) This license, when issued to an individual, allows the licensee to
4 operate as a retail seafood dealer at any point within the state when that person is in
5 possession of the original license. The license is only valid for the individual for
6 whom it has been issued.

7 (b) This license, when issued to a corporation, partnership, or any other type
8 of association, is only valid for one place of business and only valid to transact
9 business for and in the name of the licensee.

10 (3) If the licensee owns or operates more than one place of business, then an
11 additional retail seafood dealer's license must be purchased for each additional place
12 of business or vehicle. The additional licenses shall be in the same name of the
13 business, list a license number which shall be different than the original license, list
14 the legal mailing address and the physical location of that place of business, and any
15 other information required by the department.

16 (4) Individual employees of retail seafood dealers are not required to obtain
17 a retail seafood dealer's license when transacting the business of the retail seafood
18 dealer on the premises of the place of business, but any employee or person buying,
19 acquiring, handling, or selling fish as a retail seafood dealer other than on the
20 premises of the place of business must obtain a valid retail seafood dealer's license.
21 When individual employees of a retail seafood dealer operate under the authority of
22 a transport license for that dealer, the retail seafood dealer licensee remains
23 responsible for all activities taking place under authority of that license.

24 (5) The provisions of this Section shall not apply to a person transporting
25 fish under the privilege of a Louisiana transport license purchased in connection with
26 a Louisiana retail seafood dealer's license when that person buys fish for or on behalf
27 of the retail seafood dealer and only transports such fish to that retail dealer.

28 (6) Restaurants and retail grocers who only purchase fish, whether fresh,
29 frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer

1 and only sell such fish fully prepared for immediate consumption by the consumer
2 need not be licensed in compliance with the provisions of this Section. Any
3 restaurant or retail grocer who sells fish as described in R.S. 56:306 or 306.1 shall
4 be licensed in accordance with the applicable law. All restaurants and retail grocers
5 shall maintain records as required in this Subpart.

6 (7)(a) In addition to the license requirements contained in this Section, any
7 retail seafood dealer who exports or attempts to export outside of the state of
8 Louisiana any crabs, softshell crabs, boiled crabs, containerized crabmeat, or
9 containerized pasteurized crabmeat shall be required to purchase a retail out-of-state
10 crab shipping license in addition to his retail dealer's license. The retail out-of-state
11 crab shipping license shall be issued in the same manner as a retail seafood dealer's
12 license and shall be issued only to a person who is a licensed retail seafood dealer.

13 (b) The fee for a retail out-of-state crab shipping license shall be one hundred
14 dollars per year. The license shall be valid for one year, beginning on January first
15 of each calendar year and expiring on December thirty-first of the same calendar
16 year. The license may be purchased at any time of the year for the current license
17 year and from November fifteenth for the immediately following license year.

18 (c) Of the revenues collected from the issuance of retail out-of-state crab
19 shipping licenses, ten percent shall be deposited to the Conservation Fund, and
20 ninety percent shall be deposited to the Crab Development, Management, and
21 Derelict Crab Trap Removal Account, R.S. 56:10(B)(1)(e).

22 §306.2. License fee; place of purchase

23 A.

24 * * *

25 (2) The cost of the retail seafood dealer's license is two hundred thirty dollars
26 for residents and four hundred sixty dollars for nonresidents.

27 * * *

1 §306.5. Records

2 A. Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and
3 retail grocers shall keep, in the English language:

4 * * *

5 Section 2. The changes to license fees contained in this Act shall be phased in by the
6 department, where starting on November 15, 2022 and for the duration of the 2023
7 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and
8 the remainder of each fee increase shall be implemented starting on November 15, 2023.

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 689 Reengrossed

2022 Regular Session

Schamerhorn

Abstract: Creates the retail seafood dealer's license.

Proposed law creates retail seafood dealer's license and requires any person buying, acquiring, or handling by any means whatsoever, from a La. 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 any person who ships fish out of or within the state of La. to the consumer for personal or household use to purchase a retail seafood dealer's license.

Proposed law establishes the fee for the retail seafood dealer's license at \$230 for residents and \$460 for nonresidents to be phased in over a two year period starting on Nov. 15, 2022, with the remaining portion implemented on Nov. 15, 2023.

Present law provides that a wholesale/retail seafood dealer's license is valid for one year, beginning on Jan. 1st of each calendar year and expiring on Dec. 31st of the same calendar year. Further provides the license may be purchased at any time of the year for the current license year and from Nov. 15th for the immediately following license year. Further authorizes the department to sell a license for a four-year period at four times the cost of the annual license fee. Proposed law retains present law and adds retail seafood dealer's license.

Proposed law provides for requirements of the license. Further allows individual licensee to operate as a retail seafood dealer at any point within the state when that person is in possession of the original license and restricts validity of the license to the individual for whom it was issued.

Proposed law applicable to businesses, provides that when a license is issued to a corporation, partnership, or any other type of association, it is only valid for one place of business and only valid to transact business for and in the name of the licensee. Requires additional licenses for multiple places of business.

Proposed law exempts persons transporting fish under the privilege of a La. transport license purchased in connection with a La. retail seafood dealer's license when that person buys fish for or on behalf of the retail seafood dealer and only transports such fish to that retail dealer.

Further exempts restaurants and retail grocers who only purchase fish, whether fresh, frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer and only sell such fish fully prepared for immediate consumption by the consumer.

Proposed law requires a retail out-of-state crab shipping license in addition to a retail dealer's license for any retail seafood dealer who exports or attempts to export outside of the state of Louisiana any crabs, softshell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat.

Proposed law establishes the fee for a retail out-of-state crab shipping license at \$100 per year. Provides that the license is valid for one year from Jan. 1st to Dec. 31st of the same year.

Proposed law provides that the retail out-of-state crab shipping license may be purchased at any time of the year for the current license year and from Nov. 15th for the immediately following license year.

Proposed law provides disposition of the revenues collected from the retail out-of-state crab shipping license as follows:

- (1) 10% deposited to the Conservation Fund.
- (2) 90% deposited to the Crab Development, Management, and Derelict Crab Trap Removal Account.

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

Present law requires that restaurants and retail grocers be licensed under present law and possess a valid transport license when buying fish from an out-of-state seller and bringing the fish into the state. Proposed law adds retail seafood dealers.

Present law requires wholesale/retail seafood dealers, restaurants, and retail grocers to keep certain records. Proposed law adds retail seafood dealers.

Proposed law specifies that the changes to license fees contained in this Act will be placed in the dept., where starting on Nov. 15, 2022, and for the duration of the 2023 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and the remaining fee increase will be implemented on Nov. 15, 2023.

(Amends R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A); Adds R.S. 56:306.1 and 306.2(A)(2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Increase the resident fee for the license to \$230 phased in over a two year period.
2. Increase the nonresident fee for the license to \$920 phased in over a two year period.

The House Floor Amendments to the engrossed bill:

1. Change the cost of the retail seafood dealer's license for nonresidents from \$920 to \$460 phased in over a two year period.

2. Reduce the nonresident fee applicable starting Nov. 15, 2022 through 2023 commercial license year from \$662.50 to \$432.50.