

**ACT No. 631**

2022 Regular Session

HOUSE BILL NO. 689

BY REPRESENTATIVE SCHAMERHORN

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 valid only for one place of business and valid only 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  
30 and only sell such fish fully prepared for immediate consumption by the consumer

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

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

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

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

21           §306.2. License fee; place of purchase

22                   A.

23   \*       \*       \*

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

26   \*       \*       \*

27                   B. A wholesale/retail seafood dealer's license and a retail seafood dealer's  
28           license shall be issued only by the department during normal working hours at the  
29           Baton Rouge office or at any other location designated by the department.

1 §306.3. Wholesale/retail seafood dealer's license and retail seafood dealer's license;  
2 license year; purchase period

3 A. A wholesale/retail seafood dealer's license ~~is~~ and a retail seafood dealer's  
4 license are valid for one year, beginning on January first of each calendar year and  
5 expiring on December thirty-first of the same calendar year.

6 B. A wholesale/retail seafood dealer's license and a retail seafood dealer's  
7 license may be purchased at any time of the year for the current license year and  
8 from November fifteenth for the immediately following license year.

9 C. The department may also authorize the purchase of a wholesale/retail  
10 seafood dealer's license and a retail seafood dealer's license for a four-year period at  
11 four times the cost of the annual license fee.

12 §306.4. Restrictions on buying and selling and transportation by wholesale/retail  
13 seafood dealers; retail seafood dealer's license; restaurants and retail grocers

14 \* \* \*

15 C.(1) ~~Restaurants~~ Retail seafood dealers, restaurants, and retail grocers shall  
16 buy directly only from wholesale/retail seafood dealers licensed in Louisiana. When  
17 a restaurant or retail grocer purchases fish from an out-of-state seller and brings the  
18 fish into the state, he shall buy directly from those persons from whom he can legally  
19 purchase fish in the state of purchase. When a retail seafood dealer, restaurant, or  
20 retail grocer buys fish from an out-of-state seller and brings the fish into the state,  
21 the restaurant or retail grocer shall be licensed in accordance with the provisions of  
22 R.S. 56:306 or 306.1 and shall possess a valid transport license when bringing such  
23 fish into the state.

24 \* \* \*

25 §306.5. Records

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

28 \* \* \*

29 Section 2. The changes to license fees contained in this Act shall be phased in by the  
30 department, where starting on November 15, 2022 and for the duration of the 2023

1 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and  
2 the remainder of each fee increase shall be implemented starting on November 15, 2023.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_