

RÉSUMÉ DIGEST

ACT 631 (HB 689)

2022 Regular Session

Schamerhorn

New law creates a 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.

New 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.

Existing 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. New law retains existing law and adds retail seafood dealer's license.

New law provides for requirements of the license. Further allows an 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.

New 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.

New 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.

New 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 La. any crabs, softshell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat.

New 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.

New 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.

New 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.

Existing law requires restaurants and retail grocers to buy directly from only wholesale/retail seafood dealers licensed in La. New law retains existing law and adds retail seafood dealers.

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

Existing law requires wholesale/retail seafood dealers, restaurants, and retail grocers to keep certain records. New law retains existing law and adds retail seafood dealers.

New 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.

Effective August 1, 2022.

(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))