

SENATE BILL NO. 40

BY SENATORS ALLAIN, CONNICK AND FESI AND REPRESENTATIVES AMEDEE, BAYHAM, BRAUD, BROWN, BRYANT, CHASSION, DOMANGUE, JORDAN, JACOB LANDRY, LARVADAIN, TAYLOR, THOMPSON AND TURNER

1 AN ACT

2 To amend and reenact R.S. 40:5.5.3 and to enact R.S. 36:204(A)(10) and 209(D)(4), relative  
3 to seafood safety; to provide for the transfer of the Seafood Safety Task Force to the  
4 Department of Culture, Recreation and Tourism; to provide for powers and duties  
5 of the lieutenant governor; to provide for modernization of the Seafood Safety Task  
6 Force; to provide for an updated mission and purpose; to provide for enhanced  
7 responsibilities and areas of study; to provide for annual reporting; to provide for  
8 updated membership; to provide for the election of a chairman; to provide for  
9 subcommittees; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:204(A)(10) and 209(D)(4) are hereby enacted to read as follows:

12 §204. Powers and duties of secretary of culture, recreation and tourism

13 A. In addition to the functions, powers, and duties otherwise vested in the  
14 secretary by law, he shall:

15 \* \* \*

16 **(10) Administer a seafood program that includes the promotion and**  
17 **marketing of Louisiana seafood as recommended by the Louisiana Seafood**  
18 **Promotion and Marketing Board and regulating imported seafood to ensure**  
19 **health and safety as recommended by the Seafood Safety Task Force, including**  
20 **the administration of any funds allocated or appropriated for the specific**  
21 **purposes of the program.**

22 \* \* \*

23 §209. Transfer of boards, commissions, departments, and agencies to Department of

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Culture, Recreation and Tourism

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D. The following agencies are hereby placed within the Department of Culture, Recreation and Tourism and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802:

\* \* \*

**(4) The Seafood Safety Task Force (R.S. 40:5.5.3).**

\* \* \*

Section 2. R.S. 40:5.5.3 is hereby amended and reenacted to read as follows:

§5.5.3. Seafood Safety Task Force; creation; purpose

A. Within the ~~Louisiana Department of Health~~ **Department of Culture, Recreation and Tourism** there is hereby created the Seafood Safety Task Force, hereafter referred to as "task force". **The task force shall serve as the state panel of experts focused on ensuring the safety of seafood processed, distributed, purchased, and consumed in Louisiana, the education and awareness of consumers regarding the health risks associated with imported seafood, as well as making recommendations on the utilization of monies in the Imported Seafood Safety Fund to test imported seafood.**

**B.** The task force shall be charged with ~~obtaining~~ **making recommendations on all of the following:**

(1) ~~the~~ **The** method in which the imported seafood is inspected in Louisiana;

(2) ~~the~~ **The** frequency of inspections of imported seafood;

(3) ~~the~~ **The** substances for which imported seafood are currently being tested, **including but not limited to malachite green, oxytetracycline, fluoroquinolone, and nitrofurantoin;** and

(4) ~~the~~ **The** results of sampling analysis of potentially harmful substances in imported seafood.

**(5) The harmful effects of antibody resistance due to consumption of imported seafood.**

**(6) The most effective methods of education and awareness to alert the**

1 public on the importance of reading labels, menus, packaging, and signage  
 2 before consuming seafood.

3 (7) The most effective methods of protecting our waters from  
 4 contaminated foreign bait shrimp.

5 (8) The cost of permits and the amount of fines and penalties imposed by  
 6 the agencies that regulate seafood in this state and whether the cost of the  
 7 permits are sufficient to effectively enforce state-mandated seafood programs  
 8 and whether the fines and penalties imposed are functioning as a successful  
 9 deterrent or if they need to be increased.

10 (9) The many laws of the state regarding the seafood industry to ensure  
 11 that they are updated and modernized to continue to protect consumers of  
 12 seafood.

13 (10) Any other matter considered appropriate by the members of the  
 14 task force or as requested by the legislature, governor, lieutenant governor, or  
 15 state agency with responsibility for seafood safety.

16 C. The task force shall compile the results of these findings annually and  
 17 shall develop seafood ~~and~~ safety recommendations to be reported to the House  
 18 Committee on Health and Welfare, the Senate Committee on Health and Welfare, the  
 19 ~~House Committee on Agriculture, Forestry, Aquaculture, and Rural Development,~~  
 20 ~~and the Senate Committee on Agriculture, Forestry, Aquaculture, and Rural~~  
 21 ~~Development by March 1, 2010~~ governor and the legislature no later than  
 22 February first of each year.

23 ~~B.D.~~ The task force shall be composed of the following fourteen members:

24 (1) A member appointed by the chairman of the House Committee on Health  
 25 and Welfare ~~who shall serve as chair of the task force or his designee.~~

26 (2) A member appointed by the chairman of the Senate Committee on Health  
 27 and Welfare ~~or his designee.~~

28 (3) The commissioner of the Department of Agriculture and Forestry or his  
 29 designee.

30 (4) The chancellor of the Louisiana State University Agricultural Center or

1 his designee.

2 (5) A representative of the ~~Louisiana Poison Control Center~~ **Louisiana**  
 3 **Seafood Promotion and Marketing Board.**

4 (6) The secretary of the Louisiana Department of Health or his designee.

5 (7) A representative of the ~~United States Food and Drug Administration~~  
 6 **Louisiana Shrimp Task Force.**

7 (8) A representative of the Louisiana Farm Bureau Federation.

8 (9) The secretary of the Department of Wildlife and Fisheries or his designee.

9 (10) The secretary of the Department of Environmental Quality or his  
 10 designee.

11 (11) A representative of the Louisiana Restaurant Association.

12 (12) A public health nutritionist.

13 **(13) A representative of the Louisiana Crawfish Promotion and Research**  
 14 **Board.**

15 **(14) A representative of the Louisiana Retailers Association.**

16 ~~C.E.~~ The task force shall convene for its first meeting no later than January  
 17 15, 2010 **at least quarterly.** At this meeting the **first meeting of each calendar**  
 18 **year, the** members shall elect a ~~vice~~ chairman and other officers as they ~~deem~~  
 19 **consider** appropriate.

20 ~~D.F.~~ The task force shall meet at ~~such~~ times and at places **throughout the**  
 21 **state as** it may designate **to ensure participation.** Meetings shall be held at the call  
 22 of the chairman or at the call of a quorum of members upon not less than seven days  
 23 notice. A majority of a quorum shall be present to transact any business. The  
 24 members of the task force shall not be compensated for their services on the task  
 25 force but may seek travel reimbursements from their respective agencies under their  
 26 respective guidelines. Meetings of the task force shall be subject to laws regarding  
 27 open meetings, and records of the task force shall be subject to laws regarding public  
 28 records.

29 ~~E.G.~~**(1)** The chair of the task force may appoint committees to fulfill the  
 30 purposes of the task force. The chair of the task force shall appoint the chair of any

1 committee and shall designate the functions and responsibilities of each committee  
2 appointed.

3 (2) Committees may include but not be limited to a committee to  
4 facilitate coordination with other coastal or seafood producing states in the  
5 United States, a committee on coordination with the Louisiana Congressional  
6 delegation and the bipartisan American Seafood Caucus, and a committee on  
7 promoting jobs and professional interest in commercial fisheries.

8 H. The Department of Culture, Recreation and Tourism shall  
9 promulgate any rules necessary, in accordance with the Administrative  
10 Procedure Act, for implementation of the provisions of this Section.

11 Section 2. This Act shall become effective upon signature by the governor or, if not  
12 signed by the governor, upon expiration of the time for bills to become law without signature  
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
15 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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