SENATE BILL NO. 2513

1 AN ACT TO AMEND SECTION 69-7-607, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE FISH PRODUCTS AS DEFINED IN THE CATFISH MARKETING LAW
3 TO BE SUBJECT TO SAME LABELING REQUIREMENTS AS CATFISH PRODUCTS;
4 AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 69-7-607, Mississippi Code of 1972, is
7 amended as follows:

8 69-7-607. (1) Notice of country of origin.
9     (a) General requirements:
10     (i) All retailers of catfish and fish products, as
defined in Section 69-7-605, shall inform consumers, at the final
point of sale of the catfish or fish to the consumers, of the
country of origin of the catfish or fish;
11     (ii) United States country of origin. A retailer
of catfish or fish products may designate the catfish or fish as
having a United States country of origin only if:

16     1. In case of "Farm-raised Catfish or
17 Farm-raised Fish," it is hatched, raised, harvested and processed
2. In case of "River or Lake Catfish or River or Lake Fish," it is:
   a. Harvested in waters of the United States, a territory of the United States or a state, including the waters thereof; and
   b. Processed in the United States, a territory of the United States or a state, including the waters thereof;
      (iii) Farm-raised and River or Lake Catfish, Farm-raised and River or Lake Fish. The notice of country of origin for "Farm-raised Catfish," or "Farm-raised Fish," and "River or Lake Catfish" or "River or Lake Fish" shall distinguish between "Farm-raised Catfish" and "River or Lake Catfish **" or "Farm-raised Fish" and "River or Lake Fish."
      (b) Method of notification.
         (i) Retailers.
            1. The information required by paragraph (a) of subsection (1) of this section may be provided to consumers by means of a label, stamp, mark, placard or other clear and visible sign on the catfish or fish or on the package, display, holding unit or bin containing the catfish or fish at the final point of sale to consumers.
            2. If the catfish or fish is already individually labeled for retail sale regarding country of origin,
the retailer shall not be required to provide any additional
information to comply with this section.

(ii) Food service establishments. The information
required by paragraph (a) of subsection (1) of this section shall
be provided to the consumer on the menu of the food service
establishment. For foreign or imported catfish or fish, the
information shall be adjacent to the item on the menu and printed
in the same font style and size as the item. If the food service
establishment offers for sale only catfish or fish having a United
States country of origin, then the food service establishment may
generally disclose this in a prominent location in the food
service establishment in lieu of disclosure on the menu. The
signage disclosing the sale of catfish or fish having a United
States country of origin, that is to be placed in a prominent
location in the food service establishment, shall be
approved *** by the Mississippi Department of Agriculture and
Commerce, which shall be held harmless in a cause of action for a
retail or food service establishment's failure to disclose or
fraudulent disclosure. Any liability arising from failure to
disclose country of origin shall remain with the wholesaler and
the retail or food service establishment.

(c) The commissioner may require that any person that
prepares, stores, handles or distributes catfish or fish for
retail sale maintain a verifiable record-keeping audit trail that
permits the commissioner to verify compliance with this law and
any regulations promulgated hereunder.

(d) Any distributor or wholesaler engaged in the
business of supplying catfish or fish to a retailer or food
service establishment shall provide information to the retailer or
food service establishment indicating the country of origin of the
catfish or fish. The information shall include certification of
origin through a state or federal agency that regulates the
processing of catfish or fish or through a federal agency that
verifies that catfish or fish and/or other products produced in
countries other than the United States meets similar sanitation
requirements.

(2) Any advertising as to any catfish or fish product shall
state the information required in paragraph (a) of subsection (1)
of this section.

(3) The term "catfish" shall not be used as a common name or
in the label name of fish product except as provided in this
section.

(4) The commissioner shall have authority to enter the
premises of any wholesaler, processor, distributor, retailer or
any other person selling catfish or fish products in order to
determine compliance with this article.

(5) This section shall not apply to catfish or fish products
exported out of the United States.
SECTION 2. This act shall take effect and be in force from and after July 1, 2013.