

**HOUSE . . . . . No. 1946**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Robert F. Fennell***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth.

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                  |
|------------------------------|------------------------------------|
| <i>Robert F. Fennell</i>     | <i>10th Essex</i>                  |
| <i>Thomas P. Kennedy</i>     | <i>Second Plymouth and Bristol</i> |
| <i>Theodore C. Speliotis</i> | <i>13th Essex</i>                  |

**HOUSE . . . . . No. 1946**

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1946) of Robert F. Fennell, Thomas P. Kennedy and Theodore C. Speliotis relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth. Public Health.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1           SECTION 1:Section 77I of chapter 94 of the General Laws, as appearing in the 2010
- 2 edition, is hereby amended by inserting the following new definition:-
- 3   “Escolar” any variety of fish commonly known as escolar, walu, snake mackerel, or any other
- 4 colloquial name of the species lepidocybium flavobrunneum.
- 5   Section 77I of chapter 94 of the General Laws, as appearing in the 2010 edition, is further
- 6 amended by inserting the following new definition:-
- 7   “Oilfish” any variety of fish known as oilfish or any other common name of the species
- 8 ruvettus pretiosus.
- 9   SECTION 2:
- 10   Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
- 11 inserting the following new section:-
- 12   Section 330: No person or business shall sell, offer for sale, import, export, have custody,
- 13 control or possession of for purposes of offering for sale, selling, importing or exporting for
- 14 consumption escolar or oilfish or products containing escolar or oilfish in the Commonwealth.
- 15   SECTION 3:
- 16   Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
- 17 inserting the following new section:-
- 18   The commissioner of the Department of Fish and Game concurrently with the commissioner of
- 19 the Department of Public Health, their agents or inspectors shall issue to anyone who violates
- 20 any provisions of section three hundred and thirty, or any rules or regulations made thereunder, a
- 21 fine for the first offense of not less than four hundred dollars or license suspension, and for a

22 second offense a fine of not less than eight hundred dollars or license suspension or both; and  
23 whoever is found liable for a third or subsequent offense a fine of not less than eight hundred  
24 dollars, or license suspension or revocation, or any combination thereof.

25 □SECTION 4:

26 □Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
27 inserting the following new section:-

28 □Section 51B: No person or business shall sell, offer for sale, import, export, have custody,  
29 control or possession of for purposes of offering for sale, selling, importing or exporting for  
30 consumption, any item as Atlantic Cod, unless the same is of the species known as gadus  
31 morhua.

32 □SECTION 5:

33 □Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
34 inserting the following new section:-

35 □Section 5C: No person or business shall sell, offer for sale, import, export, have custody,  
36 control or possession of for purposes of offering for sale, selling, importing or exporting for  
37 consumption, any item as Atlantic Halibut, unless the same is of the species known as  
38 hippoglossus hippoglossus.

39 □SECTION 6:

40 □Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
41 inserting the following new section:-

42 □Section 5D: No person or business shall sell, offer for sale, import, export, have custody,  
43 control or possession of for purposes of offering for sale, selling, importing or exporting for  
44 consumption, any item as Grey Sole, unless the same is of the species known as glyptocephalus  
45 cynoglossus.

46 □SECTION 7:

47 □Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
48 inserting the following new section:-

49 □Section 5E: No person or business shall sell, offer for sale, import, export, have custody,  
50 control or possession of for purposes of offering for sale, selling, importing or exporting for  
51 consumption, any item as Red Snapper, unless the same is of the species known as lutjanus  
52 campechanus.

53 □SECTION 8:

54 □Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
55 inserting the following new section:-

56 □Section 5F: The commissioner of the Department of Fish and Game concurrently with the  
57 commissioner of the Department of Public Health, their agents or inspectors shall issue to  
58 anyone who violates any provisions of section five B to section five E, or any rules or regulations  
59 made thereunder, a fine for the first offense of not less than four hundred dollars or license  
60 suspension, and for a second offense a fine of not less than eight hundred dollars or license  
61 suspension or both; and whoever is found liable for a third or subsequent offense a fine of not

62 less than eight hundred dollars, or license suspension or revocation, or any combination thereof.

63 SECTION 9:

64 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
65 striking section 88D and inserting in place thereof the following new section:-

66 Section 88D. The commissioner of the Department of Fish and Game concurrently with the  
67 commissioner of the Department of Public Health, their agents or inspectors may inspect all fish  
68 offered or exposed for sale or kept with intent to sell, and for such purpose may enter any place  
69 where fish is stored, kept, offered or exposed for sale, may examine the conditions of such place  
70 and the equipment thereof and may require that such place and equipment be kept in a sanitary  
71 condition. If on inspection it is found that such fish is tainted, diseased, corrupted, decayed,  
72 unwholesome or unfit for food from any cause, the inspector shall seize and cause the same to be  
73 destroyed forthwith or disposed of otherwise than for food. All money received for fish disposed  
74 of as aforesaid, after deducting the expense of said seizure and disposal, shall be paid to the  
75 owner of such fish.

76 SECTION 10:

77 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by  
78 inserting the following new section:-

79 Section 88E. The commissioner of the Department of Fish and Game concurrently with the  
80 commissioner of the Department of Public Health, their agents or inspectors may inspect all fish  
81 offered or exposed for sale or kept with intent to sell, and for such purpose may enter any place  
82 where fish is stored, kept, offered or exposed for sale, and shall examine such fish for accurate  
83 labeling. Whoever, by himself or by his agent or employee, sells, or offers or exposes for sale, or  
84 keeps with intent to sell or offer or expose for sale, for food purpose fish which is labeled as an  
85 item inconsistent with the accurate identity of such fish, or whoever violates any provisions of  
86 sections seventy-seven A to eighty-eight E, inclusive, or any rule or regulation made thereunder,  
87 or hinders, obstructs, or interferes with any inspection authorized hereunder, or secretes or  
88 removes fish for the purpose of preventing such inspection shall, for the first offense be punished  
89 by a fine of not less than four hundred dollars or by license suspension, and for a second offense  
90 by a fine of not less than eight hundred dollars or by license suspension or both; and whoever is  
91 found liable for a third or subsequent offense by a fine of not less than eight hundred dollars, or  
92 by license suspension or revocation, or any combination thereof.

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