

Regular Session, 2010

ACT No. 40

HOUSE BILL NO. 430

BY REPRESENTATIVE PUGH AND SENATORS LONG, NEVERS, RISER, SMITH,
THOMPSON, AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 3:730.8 and to enact R.S. 3:730.9, relative to the labeling of
3 strawberries offered for sale; to provide for farm of origin labeling; to provide for
4 rules and regulations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:730.8 is hereby amended and reenacted and R.S. 3:730.9 is hereby
7 enacted to read as follows:

8 §730.8. Labeling of strawberries; rules and regulations

9 A. All strawberries offered for sale shall have a stamp or label affixed to the
10 container or package identifying its farm of origin.

11 B. The board shall adopt rules and regulations as are necessary to implement
12 the provisions of this Section.

13 §730.9. Offenses; penalty

14 A. Any person who violates any of the provisions of this Part or the rules and
15 regulations adopted under the provisions of this Part or who alters, forges, or
16 counterfeits, or uses without authority any certificate or permit or other document
17 provided for in this Part or in the rules or regulations adopted under the provisions
18 of this Part or who fails to collect or to timely pay the assessments or penalties due
19 under this Part shall be subject, in addition to any unpaid assessments, late fees, or
20 collection costs, to a civil penalty of not more than five hundred dollars for each act
21 of violation and for each day of violation. Each day on which a violation occurs
22 shall be a separate offense.

1 B. Penalties may be assessed only by a ruling of the commissioner based
2 upon an adjudicatory hearing held in accordance with the provisions of the
3 Administrative Procedure Act and this Part as follows:

4 (1) The board shall be convened by the commissioner for the purpose of
5 hearing any alleged violation of this Part or any rule and regulation adopted pursuant
6 to this Part.

7 (2) The commissioner shall appoint a hearing officer to preside over the
8 hearing.

9 (3) The board shall make an initial determination on the matter. This
10 determination shall be submitted to the commissioner in writing.

11 (4) The commissioner shall make the final determination on the matter. If
12 the determination of the commissioner differs from the determination of the board,
13 the commissioner shall issue a written opinion based on the record of the hearing.

14 C. In addition to civil penalties, the commissioner may assess the cost of the
15 adjudicatory hearing against any person found to be in violation of this Part or the
16 regulations adopted pursuant to this Part. The commissioner shall, by rule,
17 determine the amount of costs to be assessed in adjudicatory hearings.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____