

Regular Session, 2010

SENATE BILL NO. 145

BY SENATOR THOMPSON

FISH/FISHING. Provides relative to the definition of catfish. (gov sig)

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AN ACT

To amend and reenact R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B), relative to the definition of catfish; to provide that the definition of catfish includes certain families; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B) are hereby amended and reenacted to read as follows:

§4617. Fraud by vendors or by purchaser

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C. No one shall misrepresent the name, or type of any fruit, vegetable, grain, meat, or fish, including catfish, sold, or offered or exposed for sale, to any actual or prospective consumer. "Catfish" shall mean only those species within the family of Ictaluridae or the family Anarhichadidae and grown in the United States of America, **Ariidae or Loricariidae.**

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§4734. Notice of country of origin

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(2) The term "catfish" shall not be used as a common name or used to advertise, distribute, or label any other fish or fish product except for those species defined as catfish in ~~R.S. 3:4713(1)~~ **R.S. 3:4733(1)** or catfish product in ~~R.S. 3:4713(2)~~ **R.S. 3:4733(2)**.

(3) It is unlawful to use the term "catfish" in the advertising, distributing, labeling, or selling of any of those species within the family of Siluridae, Clariidae, and Pangasiidae or any other fish not defined as catfish in ~~R.S. 3:4713(1)~~ **R.S. 3:4733(1)** or catfish product in ~~R.S. 3:4713(2)~~ **R.S. 3:4733(2)**.

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§4735. Penalties

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B. In addition to any other civil or criminal penalties, any person who violates any of the provisions of this Subpart or who otherwise misrepresents as catfish any other fish or other fish product not defined as catfish in ~~R.S. 3:4713(1)~~ **R.S. 3:4733(1)** or as catfish product in ~~R.S. 3:4713(2)~~ **R.S. 3:4733(2)** shall be punished by a fine of not more than one thousand dollars. For a second offense, a person shall be punished by a fine of not more than two thousand dollars. For any subsequent violations, a person shall be punished by a fine of not more than five thousand dollars or by having the license for the retail or food establishment suspended indefinitely or until such establishment has corrected the violation, or both. Any retailer offering catfish or catfish products for sale that are found to be designated incorrectly as to the country of origin or the method of production shall not be held liable by reason of the conduct of another if the retailer proves they had no knowledge of the violation.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Curry Johnson.

DIGEST

Present law provides that no one shall misrepresent the name, or type of any fruit, vegetable, grain, meat, or fish, including catfish, sold, or offered or exposed for sale, to any actual or prospective consumer.

Proposed law retains present law.

Present law provides that the definition of catfish means only those species within the family Ictaluridae or the family Anarhichadidae and grown in the United States.

Proposed law changes the definition of catfish to mean only those species within the family of Ictaluridae, Ariidae or Loricariidae.

Proposed law provides for technical corrections.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B))