SENATE BILL NO. 145

## BY SENATORS THOMPSON, LONG, NEVERS, RISER, SMITH AND WALSWORTH AND REPRESENTATIVES BOBBY BADON, CHANEY, GUINN, LEBAS, LITTLE, RITCHIE AND ST. GERMAIN

| 1  | AN ACT  |
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| 2  | To amend and reenact R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B), relative to the                     |
| 3  | definition of catfish; to provide that the definition of catfish includes certain families;               |
| 4  | to provide for technical corrections; and to provide for related matters.                                 |
| 5  | Be it enacted by the Legislature of Louisiana:  |
| 6  | Section 1. R.S. 3:4617(C), 4734(G)(2) and (3), and 4735(B) are hereby amended and                         |
| 7  | reenacted to read as follows:   |
| 8  | §4617. Fraud by vendors or by purchaser   |
| 9  | * * *   |
| 10 | C. No one shall misrepresent the name, or type of any fruit, vegetable, grain,                            |
| 11 | meat, or fish, including catfish, sold, or offered or exposed for sale, to any actual or                  |
| 12 | prospective consumer. "Catfish" shall mean only those species within the family $\underline{\mathbf{of}}$ |
| 13 | Ictaluridae or the family Anarhichadidae and grown in the United States of America,                       |
| 14 | Ariidae or Loricariidae.  |
| 15 | * * *   |
| 16 | §4734. Notice of country of origin  |
| 17 | * * *   |
| 18 | G.  |
| 19 | * * *   |
| 20 | (2) The term "catfish" shall not be used as a common name or used to                                      |
| 21 | advertise, distribute, or label any other fish or fish product except for those species                   |
| 22 | defined as catfish in R.S. 3:4713(1) R.S. 3:4733(1) or catfish product in R.S.                            |
| 23 | <del>3:4713(2)</del> <b>R.S. 3:4733(2)</b> .  |
| 24 | (3) It is unlawful to use the term "catfish" in the advertising, distributing,                            |
| 25 | labeling, or selling of any of those species within the family of Siluridae, Clariidae,                   |
| 26 | and Pangasiidae or any other fish not defined as catfish in R.S. 3:4713(1) R.S.                           |

**SB NO. 145 ENROLLED** 

3:4733(1) or catfish product in R.S. 3:4713(2) R.S. 3:4733(2).

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| 3  | §4735. Penalties  |
| 4  | * * *   |
| 5  | B. In addition to any other civil or criminal penalties, any person who                       |
| 6  | violates any of the provisions of this Subpart or who otherwise misrepresents as              |
| 7  | catfish any other fish or other fish product not defined as catfish in R.S. 3:4713(1)         |
| 8  | R.S. 3:4733(1) or as catfish product in R.S. 3:4713(2) R.S. 3:4733(2) shall be                |
| 9  | punished by a fine of not more than one thousand dollars. For a second offense, a             |
| 10 | person shall be punished by a fine of not more than two thousand dollars. For any             |
| 11 | subsequent violations, a person shall be punished by a fine of not more than five             |
| 12 | thousand dollars or by having the license for the retail or food establishment                |
| 13 | suspended indefinitely or until such establishment has corrected the violation, or            |
| 14 | both. Any retailer offering catfish or catfish products for sale that are found to be         |
| 15 | designated incorrectly as to the country of origin or the method of production shall          |
| 16 | not be held liable by reason of the conduct of another if the retailer proves they had        |
| 17 | no knowledge of the violation.  |
| 18 | * * *   |
| 19 | Section 2. This Act shall become effective upon signature by the governor or, if not          |
| 20 | signed by the governor, upon expiration of the time for bills to become law without signature |
| 21 | by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  |
| 22 | vetoed by the governor and subsequently approved by the legislature, this Act shall become    |
| 23 | effective on the day following such approval.   |
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|    | PRESIDENT OF THE SENATE   |
|    |   |
|    | SPEAKER OF THE HOUSE OF REPRESENTATIVES   |
|    | GOVERNOR OF THE STATE OF LOUISIANA APPROVED:  |