ACT No. 16

SENATE BILL NO. 145

1

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

AN ACT

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	3:4713(2) <u>R.S. 3:4733(2)</u> .
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).

1

2	* * *
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.
	PRESIDENT OF THE SENATE
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	GOVERNOR OF THE STATE OF LOUISIANA APPROVED: