

Senate Bill 533

By: Senators Chance of the 16th, Hawkins of the 49th, Chapman of the 3rd, Rogers of the 21st, Staton of the 18th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 10 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to fish and other seafoods, so as to provide for certain regulations regarding seafood;  
3 to require certain disclosures; to provide for definitions; to provide for violations; to provide  
4 for penalties for said violations; to provide for injunction under certain circumstances; to  
5 make certain conforming amendments; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 10 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to fish  
10 and other seafoods, is amended by designating the existing provisions of said article as "Part  
11 1" of said article and by adding a new part to read as follows:

12 **"Part 2**

13 26-2-321.

14 As used in this part, the term:

15 (1) 'Aquaculture' means the farming of aquatic animals and aquatic plants.

16 (2) 'Commissioner' means the Commissioner of Agriculture.

17 (3) 'Direct retail sale' means the sale of seafood individually or in small quantities  
18 directly to the consumer.

19 (4) 'Distributor' means any person offering for sale, exchange, or barter any seafood  
20 destined for direct retail sale in Georgia.

21 (5) 'Processor' means any person engaged in handling, storing, preparing, manufacturing,  
22 packing, or holding seafood.

23 (6) 'Retailer' means any person offering for sale seafood to individual consumers and  
24 representing the last sale prior to human consumption.

1 (7) 'Seafood' means all fresh, frozen, or canned fish and shellfish, such as shrimp,  
2 oysters, clams, scallops, lobsters, crayfish, and other similar fresh, frozen, or canned  
3 edible products from any other marine creatures, including but not limited to shark and  
4 squid.

5 26-2-322.

6 No seafood shall be offered for direct retail sale for human consumption by a restaurant  
7 or other eating establishment unless the seafood is identified on the menu:

8 (1) As 'farm-raised' if the seafood has been produced through aquaculture; and

9 (2) As 'imported from (name of country)' if the seafood was imported into the United  
10 States from another country.

11 26-2-323.

12 (a) No seafood shall be offered for wholesale or retail sale for human consumption by a  
13 processor, distributor, or retailer unless the seafood is specifically labeled:

14 (1) As 'farm-raised' if the seafood has been produced through aquaculture;

15 (2) As 'imported from (name of country)' if the seafood was imported into the United  
16 States from another country.

17 (b) Any retailer selling seafood not wrapped or in a container may comply with this part  
18 by placing a sign on the display case or refrigeration unit so that the sign is reasonably  
19 visible to the consumer and contains the information otherwise required on the label.

20 26-2-324.

21 Any advertising as to the restaurant or retail sale of any seafood shall state whether the  
22 seafood is farm-raised or imported from another country and if the seafood is imported  
23 shall name the country of origin.

24 26-2-325.

25 For purposes of this part, seafood is imported from another country if it is either:

26 (1) Shipped to this country from any other country; or

27 (2) Caught or harvested in whole or in part in another country or in the territorial waters  
28 of another country.

29 26-2-326.

30 All persons selling seafood within this state that are regulated by this part shall preserve  
31 and maintain all records of their purchases and sales of seafood for a period of two years

1 after such purchases and sales have occurred. If such records are not kept on the premises,  
2 then such person has 14 days to produce the records.

3 26-2-327.

4 (a) The Commissioner shall be authorized to promulgate any valid rule or regulation for  
5 the purpose of implementing this part.

6 (b) Any person who violates any provision of this part shall be guilty of a misdemeanor  
7 and, upon conviction, shall be punished by imprisonment for not less than 30 days nor  
8 more than six months or by a fine of not less than \$50.00 nor more than \$500.00, or by  
9 both fine and imprisonment, in the discretion of the court.

10 (c) No person shall be subject to penalties pursuant to this Code section for receiving for  
11 transportation any seafood in violation of this part if the receipt was made in good faith  
12 unless the person refuses to furnish on request of a representative of the Commissioner the  
13 name and address of the person from whom he or she received the seafood and copies of  
14 all documents, if there are any, pertaining to the delivery of the seafood to him or her.

15 (d) Notwithstanding the existence of other remedies at law, the Commissioner is  
16 authorized to apply for and the court is authorized to grant a temporary or permanent  
17 injunction restraining any person from violating or continuing to violate any of the  
18 provisions of this part or any rule or regulation promulgated under this part."

19 **SECTION 2.**

20 Said article is further amended by replacing "article" with "part" wherever the former occurs  
21 in:

- 22 (1) Code Section 26-2-310, relating to definitions regarding fish and other seafoods;  
23 (2) Code Section 26-2-311, relating to administration by the Commissioner of  
24 Agriculture;  
25 (3) Code Section 26-2-312, relating to wholesale fish dealers' licenses;  
26 (4) Code Section 26-2-319, relating to allocation of license fees; and  
27 (5) Code Section 26-2-320, relating to penalty for violating article.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.