

# HOUSE BILL 913

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By: **Delegates Luedtke, Barve, Bobo, DeBoy, Fraser-Hidalgo, Kaiser, Lafferty, S. Robinson, Sophocleus, Stukes, and F. Turner**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

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## A BILL ENTITLED

AN ACT concerning

### **Food Fish and Shellfish – Labeling and Identification Requirements (Maryland Seafood Authenticity and Enforcement Act)**

FOR the purpose of prohibiting a person from selling or offering for sale within the State certain food fish or shellfish unless the person identifies the species of food fish or shellfish in a certain manner; requiring that the species of certain food fish and shellfish be identified by the common names provided in certain regulations or in a certain publication; prohibiting a person from knowingly misidentifying the species of certain food fish or shellfish on a label, sign, or menu; prohibiting a person from knowingly selling or offering for sale within the State certain crab products identified as “blue crab” except under certain conditions; prohibiting a person from knowingly selling or offering for sale within the State certain crab products, unless the person identifies certain information relating to the origin of the crab product in a certain manner; authorizing the Department of Natural Resources to adopt regulations designating the common names of certain food fish and shellfish for certain purposes; authorizing the Department to adopt regulations necessary to implement the provisions of this Act; requiring the Department to develop a Web site containing certain information relating to this Act; providing that this Act may not be construed to preclude the use of certain language or names to describe seafood on a label, sign, or menu, so long as the requirements of this Act are met; providing that this Act may be cited as the Maryland Seafood Authenticity and Enforcement Act; defining certain terms; and generally relating to labeling and identification requirements for food fish and shellfish.

BY adding to

Article – Natural Resources

Section 4-11F-01 through 4-11F-06 to be under the new subtitle “Subtitle 11F.

Maryland Seafood Authenticity and Enforcement Act”

Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Natural Resources**

**SUBTITLE 11F. MARYLAND SEAFOOD AUTHENTICITY AND ENFORCEMENT ACT.**

**4-11F-01.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CRAB PRODUCT” MEANS A PRODUCT SOLD OR OFFERED FOR SALE FOR HUMAN CONSUMPTION THAT CONTAINS MEAT FROM ANY SPECIES OF THE INFRAORDER BRACHYURA.

(C) “FOOD FISH” MEANS ANY FISH, OTHER THAN A CRUSTACEAN OR A MOLLUSK, THAT IS SOLD OR OFFERED FOR SALE FOR HUMAN CONSUMPTION.

(D) “SHELLFISH” MEANS A CRUSTACEAN OR A MOLLUSK THAT IS SOLD OR OFFERED FOR SALE FOR HUMAN CONSUMPTION.

**4-11F-02.**

(A) (1) A PERSON MAY NOT SELL OR OFFER FOR SALE WITHIN THE STATE ANY FOOD FISH OR SHELLFISH UNLESS THE PERSON IDENTIFIES THE SPECIES OF THE FOOD FISH OR SHELLFISH TO THE BUYER AT THE POINT OF SALE.

(2) THE SPECIES OF THE FOOD FISH OR SHELLFISH SHALL BE IDENTIFIED, AS APPROPRIATE, ON:

(I) A LABEL AFFIXED TO OR DISPLAYED WITH THE FOOD FISH OR SHELLFISH AT THE POINT OF SALE;

(II) A SIGN DISPLAYED PROMINENTLY AT THE POINT OF SALE; OR

(III) A MENU.

**(B) (1) IF APPLICABLE, THE SPECIES SHALL BE IDENTIFIED BY THE COMMON NAME PROVIDED IN DEPARTMENT REGULATIONS ADOPTED UNDER § 4-11F-04 OF THIS SUBTITLE.**

**(2) IF DEPARTMENT REGULATIONS DO NOT PROVIDE A COMMON NAME FOR THE SPECIES, THE SPECIES SHALL BE IDENTIFIED BY THE COMMON NAME PROVIDED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION IN THE PUBLICATION, “SEAFOOD LIST – FDA’S GUIDE TO ACCEPTABLE MARKET NAMES FOR SEAFOOD SOLD IN INTERSTATE COMMERCE”.**

**(C) A PERSON MAY NOT KNOWINGLY MISIDENTIFY THE SPECIES OF A FOOD FISH OR SHELLFISH ON A LABEL, SIGN, OR MENU.**

**4-11F-03.**

**(A) A PERSON MAY NOT KNOWINGLY SELL OR OFFER FOR SALE WITHIN THE STATE ANY CRAB PRODUCT IDENTIFIED AS “BLUE CRAB” UNLESS THE CRAB PRODUCT IS CALLINECTES SAPIDUS.**

**(B) (1) A PERSON MAY NOT KNOWINGLY SELL OR OFFER FOR SALE WITHIN THE STATE ANY CRAB PRODUCT UNLESS THE PERSON IDENTIFIES TO THE BUYER AT THE POINT OF SALE:**

**(I) THE STATE OF ORIGIN OF THE CRAB PRODUCT, IF THE CRAB PRODUCT ORIGINATED IN THE UNITED STATES; OR**

**(II) THE COUNTRY OF ORIGIN OF THE CRAB PRODUCT, IF THE CRAB PRODUCT ORIGINATED OUTSIDE THE UNITED STATES.**

**(2) THE STATE OR COUNTRY OF ORIGIN OF THE CRAB PRODUCT SHALL BE IDENTIFIED, AS APPROPRIATE, ON:**

**(I) A LABEL AFFIXED TO OR DISPLAYED WITH THE CRAB PRODUCT AT THE POINT OF SALE;**

**(II) A SIGN DISPLAYED PROMINENTLY AT THE POINT OF SALE; OR**

**(III) A MENU.**

**4-11F-04.**

**(A) THE DEPARTMENT MAY ADOPT:**

(1) REGULATIONS DESIGNATING THE COMMON NAMES OF FOOD FISH AND SHELLFISH FOR PURPOSES OF § 4-11F-02 OF THIS SUBTITLE; AND

(2) ANY OTHER REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

(B) THE DEPARTMENT SHALL DEVELOP A WEB SITE THAT:

(1) GENERALLY DESCRIBES THE LABELING REQUIREMENTS FOR SEAFOOD SET FORTH IN THIS SUBTITLE; AND

(2) EXPLAINS THE IMPLICATIONS OF THIS SUBTITLE FOR:

(I) RESTAURANTS;

(II) SEAFOOD PACKERS AND DEALERS;

(III) MARYLAND WATERMEN;

(IV) MEMBERS OF THE AQUACULTURE INDUSTRY; AND

(V) CONSUMERS.

**4-11F-05.**

NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PRECLUDE THE USE OF ADDITIONAL DESCRIPTIVE LANGUAGE OR TRADE NAMES TO DESCRIBE FOOD FISH OR SHELLFISH ON A LABEL, SIGN, OR MENU, SO LONG AS THE REQUIREMENTS OF THIS SUBTITLE ARE MET.

**4-11F-06.**

THIS SUBTITLE MAY BE CITED AS THE MARYLAND SEAFOOD AUTHENTICITY AND ENFORCEMENT ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.