

# HOUSE BILL 760

M2, I3, J1  
HB 913/14 – ENV

5lr0814  
CF SB 557

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By: **Delegates Luedtke, Anderson, Angel, Barkley, B. Barnes, Bromwell, Carr, Clippinger, Ebersole, Fraser-Hidalgo, Frush, Hettleman, Hill, Kaiser, Kelly, Korman, Lafferty, Lam, Lierman, McCray, Miele, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Waldstreicher, P. Young, and Zucker**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Food Fish and Shellfish – Labeling and Identification Requirements**  
3 **(Maryland Seafood Authenticity Act)**

4 FOR the purpose of prohibiting a person from selling or offering for sale within the State  
5 certain food fish or shellfish unless the person identifies the species of food fish or  
6 shellfish in a certain manner; prohibiting a person from knowingly misidentifying  
7 the species of certain food fish or shellfish on a label, sign, or menu; prohibiting a  
8 person from knowingly selling or offering for sale within the State certain crab  
9 products identified as “blue crab” except under certain conditions; prohibiting a  
10 person from knowingly selling or offering for sale within the State certain crab  
11 products or whole crabs, unless the person identifies certain information relating to  
12 the origin of the crab product or whole crab in a certain manner; authorizing the  
13 Department of Natural Resources to adopt certain regulations; requiring the  
14 Department to develop a Web site containing certain information relating to this Act;  
15 requiring the Department of Health and Mental Hygiene to enforce certain  
16 provisions of this Act and regulations adopted under this Act at certain food service  
17 facilities in a certain manner; providing for the construction of this Act; providing  
18 that this Act may be cited as the Maryland Seafood Authenticity Act; defining certain  
19 terms; and generally relating to labeling and identification requirements for food fish  
20 and shellfish.

21 BY adding to

22 Article – Natural Resources

23 Section 4–11F–01 through 4–11F–07 to be under the new subtitle “Subtitle 11F.  
24 Maryland Seafood Authenticity Act”

25 Annotated Code of Maryland

26 (2012 Replacement Volume and 2014 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Preamble

WHEREAS, Maryland's seafood industry is central to both the economic health and the identity of the State; and

WHEREAS, The mislabeling of seafood, particularly imported seafood, is disturbingly common; and

WHEREAS, The mislabeling of seafood undercuts honest Maryland watermen, seafood processors, and retailers; and

WHEREAS, The mislabeling of seafood poses a threat to public health because it makes it difficult for at-risk populations to avoid seafood to which they might be allergic or that may contain high concentrations of mercury; and

WHEREAS, Consumers have a right to know that they are receiving the type of seafood they have ordered; now, therefore,

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 ACT.****4-11F-01.**

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

(B) (1) "CRAB PRODUCT" MEANS A PRODUCT SOLD OR OFFERED FOR SALE FOR HUMAN CONSUMPTION THAT CONTAINS SEPARATED MEAT FROM ANY SPECIES OF THE INFRAORDER BRACHYURA.

(2) "CRAB PRODUCT" DOES NOT INCLUDE A WHOLE CRAB.

(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.

(E) (1) "WHOLE CRAB" MEANS AN UNSEPARATED RAW OR COOKED CRUSTACEAN OF THE INFRAORDER BRACHYURA THAT IS SOLD OR OFFERED FOR SALE FOR HUMAN CONSUMPTION.

1           (2)    **“WHOLE CRAB” INCLUDES A SOFT SHELL CRAB OR A HARD SHELL**  
2 **CRAB.**

3 **4–11F–02.**

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

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

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

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

13                   (III)   **A MENU.**

14           (B)   (1)   **IF APPLICABLE, THE SPECIES SHALL BE IDENTIFIED BY THE**  
15 **COMMON NAME PROVIDED IN DEPARTMENT REGULATIONS ADOPTED UNDER §**  
16 **4–11F–04 OF THIS SUBTITLE.**

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

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

24 **4–11F–03.**

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

28           (B)    **A PERSON MAY NOT KNOWINGLY SELL OR OFFER FOR SALE WITHIN THE**  
29 **STATE ANY CRAB PRODUCT UNLESS THE PERSON IDENTIFIES THE COUNTRY OR**

1 COUNTRIES OF ORIGIN OF THE CRAB PRODUCT TO THE BUYER AT THE POINT OF  
2 SALE IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

3 (C) A PERSON MAY NOT KNOWINGLY SELL OR OFFER FOR SALE WITHIN THE  
4 STATE ANY WHOLE CRAB UNLESS THE PERSON IDENTIFIES THE COUNTRY IN WHICH  
5 THE WHOLE CRAB WAS LANDED TO THE BUYER AT THE POINT OF SALE IN  
6 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

7 (D) ANY INFORMATION REGARDING THE COUNTRY OF ORIGIN OF A WHOLE  
8 CRAB OR CRAB PRODUCT REQUIRED TO BE DISPLAYED UNDER THIS SECTION SHALL  
9 BE IDENTIFIED, AS APPROPRIATE, ON:

10 (1) A LABEL AFFIXED TO OR DISPLAYED WITH THE WHOLE CRAB OR  
11 CRAB PRODUCT AT THE POINT OF SALE;

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

13 (3) A MENU.

14 4-11F-04.

15 (A) THE DEPARTMENT MAY ADOPT:

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

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

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

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

23 (2) EXPLAINS THE IMPLICATIONS OF THIS SUBTITLE FOR:

24 (I) RESTAURANTS;

25 (II) SEAFOOD PACKERS AND DEALERS;

26 (III) MARYLAND WATERMEN;

27 (IV) MEMBERS OF THE AQUACULTURE INDUSTRY; AND

1 (V) CONSUMERS.

2 4-11F-05.

3 (A) IN THIS SECTION, "FOOD SERVICE FACILITY" HAS THE MEANING STATED  
4 IN § 21-301 OF THE HEALTH - GENERAL ARTICLE.

5 (B) WITH RESPECT TO FOOD SERVICE FACILITIES, THE DEPARTMENT OF  
6 HEALTH AND MENTAL HYGIENE SHALL ENFORCE THIS SUBTITLE AND ANY  
7 REGULATIONS ADOPTED UNDER THIS SUBTITLE TO THE SAME EXTENT AND IN THE  
8 SAME MANNER AS ANY PROVISION OF TITLE 21, SUBTITLE 3 OF THE HEALTH -  
9 GENERAL ARTICLE, AS PROVIDED IN TITLE 21, SUBTITLE 3, PART III OF THE  
10 HEALTH - GENERAL ARTICLE.

11 4-11F-06.

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

16 4-11F-07.

17 THIS SUBTITLE MAY BE CITED AS THE MARYLAND SEAFOOD AUTHENTICITY  
18 ACT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2015.