

Regular Session, 2012

HOUSE BILL NO. 884

BY REPRESENTATIVES CONNICK, ADAMS, GISCLAIR, HENRY, LEOPOLD, AND
LOPINTO

SEAFOOD: Enacts the Jefferson Parish Seafood Disclosure Law

1 AN ACT

2 To enact Subpart K of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 3:4739 through 4744, relative to Jefferson Parish, to
4 provide for an optional seafood marketing program, to provide for use of a
5 certification mark, to provide for findings, definitions, terms, and enforcement; and
6 to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart K of Part II of Chapter 30 of Title 3 of the Louisiana Revised
12 Statutes, comprised of R.S. 3:4739 through 4744, is hereby enacted to read as follows:

13 SUBPART K. JEFFERSON PARISH SEAFOOD DISCLOSURE LAW

14 §4739. Short Title

15 This Subpart shall be cited as the "Jefferson Parish Seafood Disclosure Law".

16 §4740. Legislative findings

17 A. The legislature finds that the seafood industry is a vital part of the
18 Jefferson Parish economy and culture and has suffered greatly both locally and
19 statewide after coastal disasters.

1 B. The legislature finds that steps must be taken in order to promote,
2 preserve, and protect the industry and way of life for Jefferson Parish residents who
3 depend on local seafood as a means of financial support.

4 C. The legislature finds that use of a sign in restaurants and retail
5 establishments in Jefferson Parish indicating that the seafood is certified Louisiana
6 will help foster the growth of the seafood industry and promote consumption of local
7 seafood.

8 D. The legislature deems it appropriate and in the best interests of Jefferson
9 Parish, the state of Louisiana, and its citizens to adopt, appropriate, establish, and
10 implement the use of and the term "Proud to Serve Certified Louisiana Seafood" as
11 a certification mark in the form of a sign to be conspicuously placed in Jefferson
12 Parish restaurants to promote consumption of Louisiana seafood; and to limit use of
13 the sign to restaurants that serve seafood substantially connected to the state of
14 Louisiana, in order to ensure that consumers are not deceived or confused as to the
15 origin of the seafood.

16 §4741. Definitions

17 For purposes of this Subpart, the following terms shall have the meaning
18 hereinafter ascribed to them, unless the context clearly indicates otherwise:

19 1. "Louisiana coastal waters" shall have the same meaning as provided for
20 in R.S. 49:214.23(4) in the coastal zone law.

21 2. "Louisiana coastal zone" shall have the same meaning as provided for in
22 R.S. 49:214.23(5).

23 3. "Produced in Louisiana" means the process of manufacturing, planting,
24 cultivating, growing, catching, or harvesting in Louisiana of Louisiana agriculture
25 products, including such products produced in Louisiana coastal waters, the
26 Louisiana coastal zone, and in the territorial waters of the state of Louisiana.

27 "Produced in Louisiana" shall also mean the catching or harvesting of seafood in
28 waters seaward of the territorial waters of the state by the holder of a Louisiana

1 commercial fisherman's license who transports and sells his catch to a licensed
2 Louisiana wholesale/retail seafood dealer located within the state of Louisiana.

3 §4742. Adoption of terms and signage

4 The term "Proud to Serve Certified Louisiana Seafood" and any other
5 derivative or combination of the term is hereby adopted, appropriated, and
6 established by the legislature as a certification mark to be owned by the state of
7 Louisiana.

8 §4743. Allowable use of the term "Proud to Serve Certified Louisiana Seafood"

9 No person shall serve seafood in Jefferson Parish as "Certified Louisiana
10 Seafood" unless the seafood is produced in Louisiana as defined by R.S. 3:4741(3).

11 §4744. Enforcement

12 A. Notwithstanding any other law to the contrary, the commissioner of
13 agriculture and forestry is hereby authorized:

14 (1) To take any and all actions to enforce this Subpart in Jefferson Parish in
15 order to protect the term "Proud to Serve Louisiana Seafood" and any derivative or
16 combination of the term as certification marks owned by the state of Louisiana.

17 (2) To take any and all actions to prevent misuse and infringement of the
18 certification marks.

19 (3) To register, file, or otherwise record Louisiana's claim to the certification
20 mark in any state, national, or international office as may be required or desirable in
21 order to give full force and effect to said certification mark.

22 B. In addition to the remedies provided in this Subpart, the commissioner of
23 agriculture and forestry, when enforcing this Subpart, shall have all other remedies
24 available to civil plaintiffs under law, including the right to seek injunctive relief.

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Connick

HB No. 884

Abstract: Creates an optional seafood marketing program known as the Jefferson Parish Seafood Disclosure Law, which will allow the use of certain certification marks in Jefferson Parish restaurants.

Proposed law creates the Jefferson Parish Seafood Disclosure Law through an optional seafood marketing program which will allow parish restaurants to use adopted certification marks.

Proposed law provides for definitions of La. coastal waters, La. coastal zone, and "Produced in Louisiana".

Proposed law allows for the adoption, appropriation, and establishment of the term "Proud to Serve Certified Louisiana Seafood" as a certification mark to be owned by the state. Further allows for use of such term or derivative or combination of the term.

Proposed law authorizes the commissioner to enforce proposed law by taking any action to protect term usage as state-owned certification marks, taking any action to prevent misuse and infringement of certification marks, and registering or recording the certification marks as necessary for full force and effect.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 3:4739-4744)