

**CERTAIN SEAFOOD
PRODUCTS ARE
IMPORTED & MAY
BE WILD CAUGHT
OR FARM RAISED**

§ 22-20A-3. Suppliers and food service establishments to provide required information.

(a) Any individual or entity who supplies a covered commodity to a food service establishment shall provide the country of origin of the covered commodity to the food service establishment.

(b) A food service establishment, including an in-store deli, selling or providing a covered commodity that originated outside of the United States for primarily off-premises preparation shall provide the country of origin of the covered commodity, or denote that the covered commodity is imported, in letters no smaller than the same size, font, and shade as the covered commodity being offered is listed, by means of a label, stamp, mark, placard, or other visible sign on the package, display, holding unit, or bin containing the covered commodity at the final point of sale or by posting a sign stating such that measures not less than eight and one half inches wide by 11 inches tall and is placed not less than 36 inches from the floor located in a conspicuous location where the covered commodity is held for offer using English letters not less than one inch in size.

(c) (1) A food service establishment that primarily prepares a covered commodity that originated outside of the United States on- premises, which it sells or provides using a menu as a standard business practice, shall display on all menus the country of origin of the covered commodity, or denote that the covered commodity is imported, in letters no smaller than the same size, font, and shade as the covered commodity being offered is listed, immediately adjacent to the menu listing of the covered commodity being offered. In lieu of this requirement, the notice may be paper-clipped to the menu, with the same location, size, font, and shade restrictions required when the notice is listed directly on the menu or may be posted as a sign stating such that measures not less than eight and one half inches wide by 11 inches tall and is placed not less than 36 inches from the floor located in a conspicuous location where the covered commodity is held for offer using English letters not less than one inch in size.

(2) A food service establishment that primarily prepares a covered commodity that originated outside of the United States on- premises and that does not use a menu as a standard business practice shall display on a sign posted at the main entrance to the establishment stating that certain covered commodities, as applicable, being offered by the establishment are imported. Each sign shall be not less than eight and one half inches wide by 11 inches tall and shall be written in the English language in letters not less than one inch in size. The sign shall be placed in an open area and in a conspicuous position not less than 36 inches from the floor so that it is visible to all patrons.

(d) (1) A food service establishment offering farm-raised fish or wild fish shall differentiate between farm-raised fish and wild fish by stating such in the same manner as is required by subsection (b) or (c).

(2) The terms “farm-raised fish” and “wild fish” as used in this subsection mean fish and shrimp only. The terms do not include crab, lobster, oyster, crayfish, clam, or scallops.

(e) The State Health Officer, upon verified complaint and in compliance with all state and federal laws, shall investigate any and all reports of noncompliance with this section. Upon receipt of the verified complaint, a copy of the complaint shall be given to the retail food establishment or food service establishment.

§ 22-20A-4. Labeling requirements.

Any covered commodity with the United States as its country of origin may have the appropriate state name, USA, or United States of America, including a trade name or trademark, listed in lieu thereof to accommodate products produced in any of the states or a territory of the United States of America.

§ 22-20A-8. Violations.

(a) Any food service establishment that violates this article or the rules adopted thereunder, after notice and a hearing, shall be subject to civil penalties. The State Health Officer shall impose these penalties on a graduated scale in accordance with the following schedule for all violations within a 24-month period:

(1) First offense -- Written warning.

(2) Second offense -- One hundred dollars (\$100).

(3) Third offense -- Two hundred fifty dollars (\$250).

(4) Fourth offense -- Five hundred dollars (\$500).

(5) Fifth offense and any subsequent offense -- One thousand dollars (\$1,000).

(b) Any food service establishment that unknowingly violates this article due to a good faith reliance upon the establishment’s supplier’s attestation of the covered commodity’s country of origin shall be held harmless against penalties from a violation of this article.

(c) A food service establishment may appeal any penalty assessed pursuant to this section in accordance with the Alabama Administrative Procedure Act. Judicial review of a final action of the department shall be pursuant to Section 41-22-20.

(d) All fines and other monies collected pursuant to this section shall be distributed to the department and used to implement, enforce, and administer this article.

(e) The State Health Officer or Attorney General may file an action to collect any unpaid penalty levied pursuant to this section in a court of competent jurisdiction. The defendant establishment shall be liable for all costs associated with the collection of any unpaid penalty.

§ 22-20A-9. Exemptions.

The requirements of this article shall not apply to any of the following:

(1) Any retailer required to inform consumers of the country of origin of a covered commodity as provided in 7 U.S.C. §§ 1638 through 1638d, inclusive.

(2) A hospital as defined in Section 22-21-20.

(3) A group of 10 or more people that preorder their food items.