

FINAL BILL REPORT

SHB 1200

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Synopsis as Enacted

Brief Description: Concerning the labeling of seafood.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Takko, Lytton, Klippert, Van De Wege, Nealey, Stanford, Short and Smith).

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources & Parks

Background:

Misbranding.

A person is guilty of Misbranding (fish or shellfish), if he or she knowingly:

- sells at wholesale or retail any fresh or frozen salmon food fish or cultured aquatic salmon without identifying the species of salmon by its common name to the buyer at the point of sale; or
- sells at wholesale or retail any fresh or frozen: private sector cultured aquatic salmon without identifying the product as farm-raised salmon; or commercially caught salmon designated as food fish without identifying the product as commercially caught salmon.

A person who receives misleading or erroneous information about the species of salmon or whether the salmon is farm-raised or commercially caught, and subsequently inaccurately identifies salmon is not guilty of misbranding.

Agency Authority.

The Washington State Department of Agriculture (WSDA) in consultation with the Washington Department of Fish and Wildlife (WDFW) must adopt rules establishing a definition and standard for identifying salmon offered for sale.

Pamphlet.

The WSDA is required to develop a pamphlet that generally describes seafood labeling requirements, which must also be provided to the WDFW.

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Misbranding.

The crime of Misbranding is designated Unlawful Misbranding of Food Fish or Shellfish and is changed to include the following:

- the knowing sale or offer for sale at wholesale or retail any fresh, frozen, or processed food fish or shellfish without identifying for the buyer at the point of sale the species of food fish or shellfish by its common name;
- the knowing labeling or offer for sale of any food fish designated as halibut, with or without additional descriptive words, unless the food fish produce is *Hippoglossus hippoglossus* or *Hippoglossus stenolepis*; and
- the knowing sale or offer for sale at wholesale or retail any fresh, frozen, or processed salmon without identifying, as farm-raised salmon, private sector cultured aquatic salmon, or salmon product.

A person is guilty of Unlawful Misbranding of Food Fish or Shellfish if he or she commits one of the prohibited acts related to branding. The degree of the crime is determined by the fair market wholesale value of the misbranded food fish or shellfish as follows:

- Third Degree-Value of less than \$500;
- Second Degree-Value of at least \$500, but less than \$5,000; and
- First Degree-Value of at least \$5,000.

Definitions.

"Food fish" is defined as fresh or saltwater finfish and other forms of aquatic animal life other than crustaceans, mollusks, birds, and mammals where the animal life is intended for human consumption. "Shellfish" is defined as crustaceans and all mollusks where the animal life is intended for human consumption. "Commercially caught" means wild or hatchery-raised salmon harvested in the wild by commercial fishers. The term does not apply to farmed fish raised exclusively by private sector aquaculture.

Agency Authority.

The Washington State Department of Agriculture (WSDA), in consultation with the Washington Department of Fish and Wildlife (WDFW), may establish and implement definitions and identification standards for species of food fish and shellfish that are sold for human consumption. If the common name for a species is not defined by the WSDA, then the common name or acceptable market name as provided by the United States Food and Drug Administration may be used.

The WSDA, in consultation with the WDFW, may also provide procedures for enforcing food fish and shellfish labeling requirements and misbranding prohibitions.

Pamphlets.

The WSDA may develop an electronic pamphlet that describes the seafood labeling requirements, and provide the pamphlet to the WDFW and holder of any license associated with buying and selling fish or shellfish.

Votes on Final Passage:

House	96	0
Senate	47	0

Effective: July 28, 2013