

By: Hinojosa of Nueces  
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S.B. No. 1484

A BILL TO BE ENTITLED

AN ACT

relating to the marketing and sale of catfish and similar fish by food service establishments, food service suppliers, wholesalers, distributors, and wholesale distributors; providing administrative and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 436, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. MARKETING AND SALE OF CATFISH AND FISH SIMILAR TO  
CATFISH

Sec. 436.151. DEFINITIONS. In this subchapter:

(1) "Catfish" means any species of the scientific family Ictaluridae that is caught or produced by the customary technique of aquaculture and fishing in freshwater sources in the United States or a territory of the United States. The term does not include any species of the scientific genus Pangasius, family Clariidae, or family Siluridae, including fish commonly known as basa, tra, and swai.

(2) "Distributor" means a person who transports and delivers seafood from a food service supplier or wholesaler to a food service establishment.

(3) "Food service establishment" has the meaning assigned by Section 437.001.

(4) "Food service supplier" means a person who

1 sources, processes, or packages seafood for commercial sale. The  
2 term includes a wholesaler, manufacturer, and seafood broker.

3 (5) "Wholesale distributor" means a person who sells  
4 seafood exclusively to another business, such as a distributor or a  
5 food service establishment, without direct-to-consumer sales.

6 (6) "Wholesaler" means a person who purchases seafood  
7 in bulk from a food service supplier and resells the food to a  
8 distributor or food service establishment.

9 Sec. 436.152. REQUIREMENTS FOR FOOD SERVICE  
10 ESTABLISHMENTS, FOOD SERVICE SUPPLIERS, WHOLESALERS, DISTRIBUTORS,  
11 AND WHOLESALE DISTRIBUTORS. (a) A food service establishment,  
12 food service supplier, wholesaler, distributor, or wholesale  
13 distributor that offers a food product for sale may represent and  
14 identify the product as catfish only if the product contains  
15 catfish and does not contain another fish similar to catfish.

16 (b) A food service establishment that offers for sale a food  
17 product containing a fish similar to catfish that is not catfish may  
18 not represent the product as catfish.

19 (c) A food service supplier, wholesaler, distributor, or  
20 wholesale distributor that offers for sale a product containing a  
21 fish similar to catfish that is not catfish:

22 (1) may not represent the product as catfish; and

23 (2) shall ensure the species and country of origin of  
24 the fish contained in the product are conspicuously identified in  
25 the description of the product on the product's packaging or  
26 container.

27 Sec. 436.153. ADMINISTRATIVE PENALTY; AFFIRMATIVE DEFENSE.

1 (a) The department, a public health district, or a county that  
2 under Chapter 431 or 437 requires a food service establishment,  
3 food service supplier, wholesaler, distributor, or wholesale  
4 distributor to hold a license or permit to operate in this state may  
5 impose an administrative penalty against the license or permit  
6 holder for a violation of this subchapter or a rule adopted under  
7 this subchapter.

8 (b) The department, public health district, or county, as  
9 applicable, shall determine the amount of the penalty imposed for  
10 the violation based on the seriousness of the conduct.

11 (c) Each day a violation continues or occurs is a separate  
12 violation for purposes of imposing an administrative penalty under  
13 this section.

14 (d) It is an affirmative defense to the imposition of an  
15 administrative penalty under this section that a food service  
16 establishment demonstrates the establishment in good faith  
17 believed the fish the establishment purchased and offered for sale  
18 was catfish.

19 Sec. 436.154. CIVIL PENALTY; AFFIRMATIVE DEFENSE. (a) A  
20 food service establishment, food service supplier, wholesaler,  
21 distributor, or wholesale distributor that violates this  
22 subchapter or a rule adopted under this subchapter is liable for a  
23 civil penalty to this state, a public health district, or a county  
24 that under Chapter 431 or 437 requires a license or permit to  
25 operate in this state.

26 (b) The court shall determine the amount of the penalty to  
27 be imposed based on the seriousness of the conduct.

1        (c) Each day a violation continues or occurs is a separate  
2 violation for purposes of imposing a civil penalty under this  
3 section.

4        (d) The attorney general, the district or county attorney  
5 for the county, or the municipal attorney of the municipality in  
6 which the violation is alleged to have occurred may bring an action  
7 to recover a civil penalty under this section.

8        (e) It is an affirmative defense to liability in a civil  
9 action under this section that a food service establishment  
10 demonstrates the establishment in good faith believed the fish the  
11 establishment purchased and offered for sale was catfish.

12        Sec. 436.155. REMEDIES NOT CUMULATIVE. A person may be  
13 subject to either an administrative penalty under Section 436.153  
14 or a civil penalty under Section 436.154 for a violation of this  
15 subchapter arising from the same conduct, but not both.

16        SECTION 2. This Act takes effect September 1, 2025.