

By: Hinojosa of Nueces, et al.
(Kitzman)

S.B. No. 1484

Substitute the following for S.B. No. 1484:

By: Button

C.S.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. 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 sources, processes, or packages seafood for commercial sale. The

term includes a wholesaler, manufacturer, and seafood broker.

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

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

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

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

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

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

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

Sec. 436.153. ADMINISTRATIVE PENALTY; AFFIRMATIVE DEFENSE.

(a) The department, a public health district, or a county that

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

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

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

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

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

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

27 (c) Each day a violation continues or occurs is a separate

1 violation for purposes of imposing a civil penalty under this
2 section.

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

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

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

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