

HOUSE No. 1939

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Robert F. Fennell</i>	<i>10th Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 1939

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1939) of Robert F. Fennell and others relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1946 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1:Section 77I of chapter 94 of the General Laws, as appearing in the 2012
2 official edition, is hereby amended by inserting the following new definition:-

3 “Escolar” any variety of fish commonly known as escolar, walu, snake mackerel, or any
4 other colloquial name of the species lepidocybium flavobrunneum.

5 Section 77I of chapter 94 of the General Laws, as appearing in the 2010 edition, is further
6 amended by inserting the following new definition:-

7 “Oilfish” any variety of fish known as oilfish or any other common name of the species
8 ruvettus pretiosus.

9 SECTION 2:

10 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
11 inserting the following new section:-

12 Section 330: No person or business shall sell, offer for sale, import, export, have custody,
13 control or possession of for purposes of offering for sale, selling, importing or exporting for
14 consumption escolar or oilfish or products containing escolar or oilfish in the Commonwealth.

15 SECTION 3:

16 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
17 inserting the following new section:-

18 The commissioner of the Department of Fish and Game concurrently with the
19 commissioner of the Department of Public Health, their agents or inspectors shall issue to
20 anyone who violates any provisions of section three hundred and thirty, or any rules or
21 regulations made thereunder, a fine for the first offense of not less than four hundred dollars or
22 license suspension, and for a second offense a fine of not less than eight hundred dollars or
23 license suspension or both; and whoever is found liable for a third or subsequent offense a fine of
24 not less than eight hundred dollars, or license suspension or revocation, or any combination
25 thereof.

26 SECTION 4:

27 Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by
28 inserting the following new section:-

29 Section 51B: No person or business shall sell, offer for sale, import, export, have custody,
30 control or possession of for purposes of offering for sale, selling, importing or exporting for
31 consumption, any item as Atlantic Cod, unless the same is of the species known as gadus
32 morhua.

33 SECTION 5:

34 Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by
35 inserting the following new section:-

36 Section 5C: No person or business shall sell, offer for sale, import, export, have custody,
37 control or possession of for purposes of offering for sale, selling, importing or exporting for
38 consumption, any item as Atlantic Halibut, unless the same is of the species known as
39 hippoglossus hippoglossus.

40 SECTION 6:

41 Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by
42 inserting the following new section:-

43 Section 5D: No person or business shall sell, offer for sale, import, export, have custody,
44 control or possession of for purposes of offering for sale, selling, importing or exporting for
45 consumption, any item as Grey Sole, unless the same is of the species known as glyptocephalus
46 cynoglossus.

47 SECTION 7:

48 Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by
49 inserting the following new section:-

50 Section 5E: No person or business shall sell, offer for sale, import, export, have custody,
51 control or possession of for purposes of offering for sale, selling, importing or exporting for
52 consumption, any item as Red Snapper, unless the same is of the species known as lutjanus
53 campechanus.

54 SECTION 8:

55 Chapter 130 of the General Laws, as appearing in the 2010 edition, is hereby amended by
56 inserting the following new section:-

57 Section 5F: The commissioner of the Department of Fish and Game concurrently with the
58 commissioner of the Department of Public Health, their agents or inspectors shall issue to
59 anyone who violates any provisions of section five B to section five E, or any rules or regulations
60 made thereunder, a fine for the first offense of not less than four hundred dollars or license
61 suspension, and for a second offense a fine of not less than eight hundred dollars or license
62 suspension or both; and whoever is found liable for a third or subsequent offense a fine of not
63 less than eight hundred dollars, or license suspension or revocation, or any combination thereof.

64 SECTION 9:

65 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
66 striking section 88D and inserting in place thereof the following new section:-

67 Section 88D. The commissioner of the Department of Fish and Game concurrently with
68 the commissioner of the Department of Public Health, their agents or inspectors may inspect all
69 fish offered or exposed for sale or kept with intent to sell, and for such purpose may enter any
70 place where fish is stored, kept, offered or exposed for sale, may examine the conditions of such

71 place and the equipment thereof and may require that such place and equipment be kept in a
72 sanitary condition. If on inspection it is found that such fish is tainted, diseased, corrupted,
73 decayed, unwholesome or unfit for food from any cause, the inspector shall seize and cause the
74 same to be destroyed forthwith or disposed of otherwise than for food. All money received for
75 fish disposed of as aforesaid, after deducting the expense of said seizure and disposal, shall be
76 paid to the owner of such fish.

77 SECTION 10:

78 Chapter 94 of the General Laws, as appearing in the 2010 edition, is hereby amended by
79 inserting the following new section:-

80 Section 88E. The commissioner of the Department of Fish and Game concurrently with
81 the commissioner of the Department of Public Health, their agents or inspectors may inspect all
82 fish offered or exposed for sale or kept with intent to sell, and for such purpose may enter any
83 place where fish is stored, kept, offered or exposed for sale, and shall examine such fish for
84 accurate labeling. Whoever, by himself or by his agent or employee, sells, or offers or exposes
85 for sale, or keeps with intent to sell or offer or expose for sale, for food purpose fish which is
86 labeled as an item inconsistent with the accurate identity of such fish, or whoever violates any
87 provisions of sections seventy-seven A to eighty-eight E, inclusive, or any rule or regulation
88 made thereunder, or hinders, obstructs, or interferes with any inspection authorized hereunder, or
89 secretes or removes fish for the purpose of preventing such inspection shall, for the first offense
90 be punished by a fine of not less than four hundred dollars or by license suspension, and for a
91 second offense by a fine of not less than eight hundred dollars or by license suspension or both;

92 and whoever is found liable for a third or subsequent offense by a fine of not less than eight
93 hundred dollars, or by license suspension or revocation, or any combination thereof.