

**HOUSE . . . . . No. 1946**

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**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:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>	<i>1/18/2013</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	

**HOUSE . . . . . No. 1946**

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 1946) of Robert F. Fennell, Thomas P. Kennedy and Theodore C. Speliotis relative to strengthening the consumer protections and ensuring the proper labeling of fish sold in the Commonwealth. Public Health.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 2010  
2 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.