

HOUSE No. 4066

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 2014
2 official edition, is hereby amended by inserting the following new definitions:-

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

7 SECTION 2. Said chapter 94 is hereby further amended by striking section 88D and
8 inserting in place thereof the following new section:-

9 Section 88D. The commissioner of fish and game concurrently with the commissioner of
10 public health, their agents or inspectors may inspect all fish offered or exposed for sale or kept
11 with intent to sell, and for such purpose may enter any place where fish is stored, kept, offered or
12 exposed for sale, may examine the conditions of such place and the equipment thereof and may

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

18 SECTION 3. Said chapter 94 is hereby further amended by inserting the following new
19 section:-

20 Section 88E. The commissioner of fish and game concurrently with the commissioner of
21 public health, their agents or inspectors may inspect all fish offered or exposed for sale or kept
22 with intent to sell, and for such purpose may enter any place where fish is stored, kept, offered or
23 exposed for sale, and shall examine such fish for accurate labeling. Whoever, by himself or by
24 his agent or employee, sells, or offers or exposes for sale, or keeps with intent to sell or offer or
25 expose for sale, for food purpose fish which is labeled as an item inconsistent with the accurate
26 identity of such fish, or whoever violates any provisions of sections seventy-seven A to eighty-
27 eight E, inclusive, or any rule or regulation made thereunder, or hinders, obstructs, or interferes
28 with any inspection authorized hereunder, or secretes or removes fish for the purpose of
29 preventing such inspection shall, for the first offense be punished by a fine of not less than four
30 hundred dollars or by license suspension, and for a second offense by a fine of not less than eight
31 hundred dollars or by license suspension or both; and whoever is found liable for a third or
32 subsequent offense by a fine of not less than eight hundred dollars, or by license suspension or
33 revocation, or any combination thereof.

34 SECTION 4. Said chapter 94 is hereby further amended by striking section 194B and
35 inserting in place thereof the following new section:-

36 Section 194B. (a) No person or business shall sell, offer for sale, import, export, or have
37 custody, control or possession of for purposes of offering for sale, selling, importing or exporting
38 for consumption, any item as atlantic cod, unless the same is of the species known as gadus
39 morhua.

40 (b) No person or business shall sell, offer for sale, import, export, or have custody,
41 control or possession of for purposes of offering for sale, selling, importing or exporting for
42 consumption, any item as atlantic halibut, unless the same is of the species known as
43 hippoglossus hippoglossus.

44 (c) No person or business shall sell, offer for sale, import, export, or have custody,
45 control or possession of for purposes of offering for sale, selling, importing or exporting for
46 consumption, any item as pacific halibut, unless the same is of the species known as
47 hippoglossus stenolepis.

48 (d) No person or business shall sell, offer for sale, import, export, or have custody,
49 control or possession of for purposes of offering for sale, selling, importing or exporting for
50 consumption, any item as grey sole, unless the same is of the species known as glyptocephalus
51 cynoglossus.

52 (e) No person or business shall sell, offer for sale, import, export, or have custody,
53 control or possession of for purposes of offering for sale, selling, importing or exporting for
54 consumption, any item as red snapper, unless the same is of the species known as lutjanus
55 campechanus.

56 The commissioner of fish and game concurrently with the commissioner of public health,
57 their agents or inspectors shall issue to anyone who violates any provisions of subsections (a)
58 through (e), or any rules or regulations made thereunder, a fine for the first offense of not less
59 than four hundred dollars or license suspension, and for a second offense a fine of not less than
60 eight hundred dollars or license suspension or both; and whoever is found liable for a third or
61 subsequent offense a fine of not less than eight hundred dollars, or license suspension or
62 revocation, or any combination thereof.

63 SECTION 5. Said chapter 94 is hereby further amended by adding the following 2
64 sections:-

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

68 Section 331. The commissioner of fish and game concurrently with the commissioner of
69 public health, their agents or inspectors shall issue to anyone who violates any provisions of
70 section three hundred and thirty, or any rules or regulations made thereunder, a fine for the first
71 offense of not less than four hundred dollars or license suspension, and for a second offense a
72 fine of not less than eight hundred dollars or license suspension or both; and whoever is found
73 liable for a third or subsequent offense a fine of not less than eight hundred dollars, or license
74 suspension or revocation, or any combination thereof.