

1-1 By: Hinojosa of Nueces, Kolkhorst S.B. No. 1484  
1-2 (In the Senate - Filed February 20, 2025; March 6, 2025,  
1-3 read first time and referred to Committee on Water, Agriculture and  
1-4 Rural Affairs; March 26, 2025, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 26, 2025, sent to printer.)

1-7 COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9	Perry	X		
1-10	Hancock	X		
1-11	Birdwell	X		
1-12	Blanco	X		
1-13	Gutierrez	X		
1-14	Hinojosa of Nueces	X		
1-15	Johnson	X		
1-16	Kolkhorst	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1484 By: Hancock

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the marketing and sale of catfish and similar fish by  
1-22 food service establishments, food service suppliers, wholesalers,  
1-23 distributors, and wholesale distributors; providing administrative  
1-24 and civil penalties.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-26 SECTION 1. Chapter 436, Health and Safety Code, is amended  
1-27 by adding Subchapter J to read as follows:

1-28 SUBCHAPTER J. MARKETING AND SALE OF CATFISH AND FISH SIMILAR TO  
1-29 CATFISH

1-30 Sec. 436.151. DEFINITIONS. In this subchapter:

1-31 (1) "Catfish" means any species of the scientific  
1-32 family Ictaluridae that is caught or produced by the customary  
1-33 technique of aquaculture and fishing in freshwater sources in the  
1-34 United States or a territory of the United States. The term does  
1-35 not include any species of the scientific genus Pangasius, family  
1-36 Clariidae, or family Siluridae, including fish commonly known as  
1-37 basa, tra, and swai.

1-38 (2) "Distributor" means a person who transports and  
1-39 delivers seafood from a food service supplier or wholesaler to a  
1-40 food service establishment.

1-41 (3) "Food service establishment" has the meaning  
1-42 assigned by Section 437.001.

1-43 (4) "Food service supplier" means a person who  
1-44 sources, processes, or packages seafood for commercial sale. The  
1-45 term includes a wholesaler, manufacturer, and seafood broker.

1-46 (5) "Wholesale distributor" means a person who sells  
1-47 seafood exclusively to another business, such as a distributor or a  
1-48 food service establishment, without direct-to-consumer sales.

1-49 (6) "Wholesaler" means a person who purchases seafood  
1-50 in bulk from a food service supplier and resells the food to a  
1-51 distributor or food service establishment.

1-52 Sec. 436.152. REQUIREMENTS FOR FOOD SERVICE  
1-53 ESTABLISHMENTS, FOOD SERVICE SUPPLIERS, WHOLESALERS, DISTRIBUTORS,  
1-54 AND WHOLESALE DISTRIBUTORS. (a) A food service establishment,  
1-55 food service supplier, wholesaler, distributor, or wholesale  
1-56 distributor that offers a food product for sale may represent and  
1-57 identify the product as catfish only if the product contains  
1-58 catfish and does not contain another fish similar to catfish.

1-59 (b) A food service establishment that offers for sale a food  
1-60 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 under Chapter 431 or 437 requires a food service establishment, food service supplier, wholesaler, distributor, or wholesale distributor to hold a license or permit to operate in this state may impose an administrative penalty against the license or permit holder for a violation of this subchapter or a rule adopted under this subchapter.

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

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

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

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

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

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

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

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

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

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

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