

Regular Session, 2011

HOUSE BILL NO. 245

BY REPRESENTATIVE GIROD JACKSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides with respect to the harvesting of oysters for raw consumption within the state

1 AN ACT

2 To amend and reenact R.S. 56:437 and to repeal R.S. 40:5.3.1, relative to harvest and sale  
3 of oysters for raw consumption; to require a time limit on transportation of such  
4 oysters from harvest to refrigeration; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:437 is hereby amended and reenacted to read as follows:

7 §437. Sale of oysters for raw consumption within the state

8 Oysters which have been harvested from Louisiana waters may be sold for  
9 raw consumption within the state at all times during the year provided however, that  
10 during the time period from May first through October thirty-first each year,  
11 movement of such oysters from harvest to refrigeration shall take no more than five  
12 hours. Federal regulations which may prohibit the interstate transportation and sale  
13 of oysters which have not been post-harvest treated shall not apply to oysters  
14 harvested, sold, and consumed within the state of Louisiana. The Department of  
15 Health and Hospitals shall promulgate rules pursuant to the Administrative  
16 Procedure Act to administer the provisions of this Section and the Department of  
17 Wildlife and Fisheries shall assist in the enforcement of such rules. Such rules shall  
18 allow up to five hours for the oysters to be transferred from harvest to refrigeration  
19 as provided in this Section.

20 Section 2. R.S. 40:5.3.1 is hereby repealed in its entirety.

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Girod Jackson

HB No. 245

**Abstract:** Requires a time limit at certain times of the year on transportation of oysters from harvest to refrigeration if the oysters are for raw consumption.

Present law authorizes the year-round sale for raw consumption within the state, oysters which are harvested in La. waters. Requires the Dept. of Health and Hospitals (DHH) to adopt rules and regulations for enforcement of this authority.

Proposed law retains present law but requires that during the period from May 1 to Oct. 31 each year, movement of oysters from harvest to refrigeration must take no more than five hours. Further requires that the rules adopted by DHH must allow five hours for such movement.

Present law authorizes DHH to grant an exemption from the National Shellfish Sanitation Program's *Vibrio parahaemolyticus* (*Vp*) and *Vibrio vulnificus* (*Vv*) management plans to harvesters and dealers who have not been epidemiologically linked to a *Vp* or *Vv* oyster-related illness.

Proposed law repeals present law.

Effective on signature by the governor or lapse of time for gubernatorial action.

(Amends R.S. 56:437; Repeals R.S. 40:5.3.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Makes the bill effective on signature by the governor or lapse of time for gubernatorial action.