

2024 Regular Session

HOUSE BILL NO. 342

BY REPRESENTATIVE ZERINGUE

FISHING/OYSTERS: Prohibits holding or storing oysters in containers in unapproved or closed areas

1 AN ACT

2 To amend and reenact R.S. 56:424(E), relative to oyster storage; to prohibit storage of
3 oysters in unapproved or closed areas; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 56:424(E) is hereby amended and reenacted to read as follows:

6 §424. Taking of oysters

7 * * *

8 E.(1) No person shall harvest, possess, sell, barter, trade, purchase, or
9 exchange or attempt to sell, barter, trade, or exchange oysters in the state of
10 Louisiana or in interstate commerce unless such oysters are taken from areas
11 approved by the state health officer in accordance with R.S. 40:5.3. Unless
12 otherwise permitted by the Department of Wildlife and Fisheries, when any vessel
13 is found to be harvesting within an unapproved or closed area, all oysters on board
14 the vessel shall be deemed to have been taken from unapproved or closed waters and
15 shall be deemed to constitute a hazard to the safety, health, and welfare of the
16 citizens of the state.

17 (2) No person shall hold or store oysters in any containers in an unapproved
18 or closed area. Any such oysters shall be deemed to constitute a hazard to the safety,
19 health, and welfare of the citizens of the state.

1 (3) In addition, no oysters taken from sources outside of Louisiana shall be
2 sold in Louisiana, unless taken from areas approved by the state authorities having
3 jurisdiction, and unless secured from oyster dealers whose state certifications have
4 been endorsed by the United States Food and Drug Administration Public Health
5 Services for interstate shipment. All oysters found in violation of this Paragraph
6 shall be seized and ordered returned to the water. Any violation of this Paragraph
7 shall constitute a class six violation under the provisions of R.S. 56:36.

8 (4) ~~(2)~~(a) In addition to all other penalties provided in this Section, for the
9 first violation of this Subsection the oyster harvester's license under which the
10 violation occurred shall be revoked by the department and no new such license shall
11 be issued for one year from the date of the conviction. In addition, the violator shall
12 be sentenced to perform no less than forty hours of community service. If available,
13 the hours shall be served in a litter abatement community service program. During
14 the period in which the violator is prohibited from possession of an oyster harvester
15 license for a first offense, the violator may be present on a vessel harvesting or
16 processing oysters only if that vessel is equipped with and is actively using a vessel
17 monitoring system as prescribed in R.S. 56:424.1.

18 (b) For a second violation of this Subsection, the violator's oyster harvester
19 license shall be revoked, and no new such license shall be issued for three years from
20 the date of conviction. In addition, the violator shall be sentenced to perform no less
21 than ninety hours of community service. If available, the hours shall be served in a
22 litter abatement community service program. During the period in which the violator
23 is prohibited from ~~possession of~~ possessing an oyster harvester license for a second
24 violation, the violator shall not be present on a vessel harvesting or processing
25 oysters.

26 (c) For a third or subsequent violation of this Subsection, the violator's oyster
27 harvester license shall be revoked, and no new such license shall be issued for ten
28 years from the date of the third or subsequent conviction. In addition, the violator
29 shall be sentenced to perform no less than one hundred twenty hours of community

1 service. If available, the hours shall be served in a litter abatement community
 2 service program. During the period in which the violator is prohibited from
 3 ~~possession of~~ possessing an oyster harvester license for a third or subsequent
 4 violation, the violator shall not be present on a vessel harvesting or processing
 5 oysters.

6 * * *

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)]

HB 342 Original

2024 Regular Session

Zeringue

Abstract: Prohibits the storage of oysters in containers in unapproved or closed areas.

Present law provides that when a vessel is found to be harvesting within an unapproved or closed area, all oysters on board the vessel shall be deemed to have been taken from unapproved or closed waters and shall be deemed to constitute a hazard to the safety, health, and welfare of the citizens of the state.

Proposed law modifies present law by prohibiting any person from holding or storing oysters in any containers in an unapproved or closed area, with any such oysters deemed to constitute a hazard to the safety, health, and welfare of the citizens of the state.

(Amends R.S. 56:424(E))